

ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature - Second Regular Session

**MAJORITY CAUCUS CALENDAR #13**

March 15, 2016

Bill Number	Short Title	Committee	Date	Action
-------------	-------------	-----------	------	--------

**Committee on Agriculture, Water and Lands**

**Chairman: Brenda Barton, LD6**

**Vice Chairman: Darin Mitchell, LD13**

**Analyst: Tom Savage**

**Intern: Shirley Springer**

<a href="#"><u>SB 1243</u></a>	Mexican wolf; G&F approval; reporting			
	SPONSOR: GRIFFIN, LD14			
		SENATE	2/29/2016	(21-9-0-0)
		(No: DALESSANDRO,CAJERO BEDFORD,FARLEY,BRADLEY,CONTRERAS,HOBBS,QUEZADA,MEZA, SHERWOOD)		
		AWL	3/10	DPA (7-2-0-1-0)
		(No: BENALLY,GABALDÓN; Abs: MONTENEGRO)		
<a href="#"><u>SB 1268</u></a>	adequate water supply requirements; municipalities			
	SPONSOR: GRIFFIN, LD14			
		SENATE	2/18/2016	(21-8-1-0)
		(No: CAJERO BEDFORD,PANCRAZI,FARLEY,BRADLEY,CONTRERAS,HOBBS,QUEZ ADA,SHERWOOD; NV: MCGUIRE)		
		AWL	3/10	DP (5-3-0-2-0)
		(No: BENALLY,GABALDÓN,OTONDO; Abs: COBB,MONTENEGRO)		
<a href="#"><u>SB 1270</u></a>	pest management division			
	SPONSOR: GRIFFIN, LD14			
		SENATE	2/16/2016	(27-0-3-0)
		(NV: MCGUIRE,DIAL,LESKO)		
		AWL	3/10	DP (9-0-0-1-0)
		(Abs: MONTENEGRO)		
<a href="#"><u>SB 1344</u></a>	agriculture omnibus			
	SPONSOR: PIERCE, LD1			
		SENATE	2/18/2016	(20-9-1-0)
		(No: DALESSANDRO,CAJERO BEDFORD,FARLEY,BRADLEY,CONTRERAS,HOBBS,QUEZADA,MEZA, SHERWOOD; NV: MCGUIRE)		
		AWL	3/3	DP (7-0-0-3-0)
		(Abs: BENALLY,GABALDÓN,MONTENEGRO)		
<a href="#"><u>SB 1399</u></a>	dams; affidavit; recording (AWL S/E: water infrastructure study committee)			
	SPONSOR: GRIFFIN, LD14			
		SENATE	2/25/2016	(28-0-2-0)
		(NV: PANCRAZI,BEGAY)		
		AWL	3/10	DPA/SE (6-2-0-2-0)
		(No: BENALLY,GABALDÓN; Abs: COBB,MONTENEGRO)		

[SCM 1011](#) resilient federal forests act  
 SPONSOR: GRIFFIN, LD14  
 SENATE 2/18/2016 (20-9-1-0)  
 (No: DALESSANDRO,CAJERO  
 BEDFORD,FARLEY,BRADLEY,CONTRERAS,HOBBS,QUEZADA,MEZA,  
 SHERWOOD; NV: MCGUIRE)  
 AWL 3/10 DP (7-1-0-2-0)  
 (No: GABALDÓN; Abs: COBB,MONTENEGRO)

[SCM 1014](#) administratively recommended wilderness; urging Congress  
 SPONSOR: GRIFFIN, LD14  
 SENATE 2/22/2016 (21-8-1-0)  
 (No: DALESSANDRO,CAJERO  
 BEDFORD,FARLEY,BRADLEY,HOBBS,QUEZADA,MEZA,SHERWOOD;  
 NV: CONTRERAS)  
 AWL 3/10 DP (5-3-0-2-0)  
 (No: BENALLY,GABALDÓN,OTONDO; Abs: COBB,MONTENEGRO)

#### **Committee on County and Municipal Affairs**

**Chairman:** Doug Coleman, LD16

**Vice Chairman:** Tony Rivero, LD21

**Analyst:** Amanda Barnes

**Intern:** Caitlynn Kestler

[SB 1348](#) county treasurer; warrants; electronic transfers  
 SPONSOR: BURGES, LD22

SENATE 2/18/2016 (26-3-1-0)  
 (No: PIERCE,ALLEN S,BURGES; NV: MCGUIRE)  
 CMA 3/7 DP (7-0-0-1-0)  
 (Abs: GABALDÓN)

#### **Committee on Commerce**

**Chairman:** Warren H. Petersen, LD12

**Vice Chairman:** Jill Norgaard, LD18

**Analyst:** Diana Clay

**Intern:** Kris Beecher

[SB 1193](#) real estate licenses; broker possession  
 SPONSOR: GRIFFIN, LD14

SENATE 2/11/2016 (28-0-2-0)  
 (NV: BEGAY,LESKO)  
 COM 3/9 DP (8-0-0-0-0)

[SB 1362](#) mobile home, RV parks; prohibition  
 SPONSOR: GRIFFIN, LD14

SENATE 2/22/2016 (30-0-0-0)  
 COM 3/9 DP (8-0-0-0-0)

[SB 1401](#) trade names; trademarks; application  
 SPONSOR: GRIFFIN, LD14

SENATE 2/25/2016 (26-2-2-0)  
 (No: FARNSWORTH D,MIRANDA; NV: PANCRAZI,BEGAY)  
 COM 3/9 DP (8-0-0-0-0)

[SB 1420](#) industrial commission; compensation  
 SPONSOR: YEE, LD20

SENATE 2/18/2016 (28-1-1-0)  
 (No: BURGES; NV: MCGUIRE)  
 COM 3/9 DP (8-0-0-0-0)

[SB 1487](#) state law; local violations; penalties  
 SPONSOR: BIGGS, LD12  
 SENATE 2/24/2016 (17-12-1-0)  
 (No: DALESSANDRO,CAJERO  
 BEDFORD,PANCRAZI,MCGUIRE,FARLEY,BRADLEY,CONTRERAS,HO  
 BBS,MIRANDA,QUEZADA,MEZA,SHERWOOD; NV: BEGAY)  
 COM 3/9 DP (5-3-0-0-0)  
 (No: ESPINOZA,MACH,PLUMLEE)

[SB 1524](#) regulatory actions; limitation  
 SPONSOR: SMITH, LD11  
 SENATE 2/29/2016 (23-7-0-0)  
 (No: DALESSANDRO,CAJERO  
 BEDFORD,PANCRAZI,FARLEY,BRADLEY,CONTRERAS,HOBBS)  
 COM 3/9 DPA (5-3-0-0-0)  
 (No: ESPINOZA,MACH,PLUMLEE)

[SB 1375](#) telephone solicitations  
 SPONSOR: LESKO, LD21  
 SENATE 2/18/2016 (29-0-1-0)  
 (NV: MCGUIRE)  
 COM 3/9 DP (7-0-0-1-0)  
 (Abs: ESPINOZA)

#### **Committee on Education**

**Chairman: Paul Boyer, LD20**

**Analyst: Aaron Wonders**

**Vice Chairman: Jay Lawrence, LD23**

**Intern: Ellen Hill**

[SB 1197](#) schools; cursive writing requirement  
 SPONSOR: GRIFFIN, LD14  
 SENATE 2/11/2016 (25-4-1-0)  
 (No: BRADLEY,HOBBS,QUEZADA,SHERWOOD; NV: BEGAY)  
 ED 3/9 DP (5-1-0-1-0)  
 (No: NORGAARD; Abs: OTONDO)

[SB 1239](#) schools; state seal of biliteracy  
 SPONSOR: BEGAY, LD7  
 SENATE 2/11/2016 (29-0-1-0)  
 (NV: BEGAY)  
 ED 3/2 DP (7-0-0-0-0)

[SB 1137](#) schools; CPR instruction.  
 SPONSOR: DIAL, LD18  
 SENATE 3/3/2016 (23-7-0-0)  
 (No: ALLEN S,FARLEY,BIGGS,GRIFFIN,FARNSWORTH  
 D,BURGESS,QUEZADA)  
 ED 3/9 DP (4-1-0-2-0)  
 (No: NORGAARD; Abs: THORPE,OTONDO)

#### **Committee on Energy, Environment and Natural Resources**

**Chairman: Franklin M. Pratt, LD8**

**Analyst: Tom Savage**

**Vice Chairman: Russell "Rusty" Bowers, LD25**

**Intern: Shirley Springer**

[SB 1417](#) distributed energy generation systems  
 SPONSOR: LESKO, LD21  
 SENATE 2/18/2016 (23-6-1-0)  
 (No: DALESSANDRO,PANCRAZI,FARLEY,QUEZADA,SHERWOOD,DONAHUE; NV: MCGUIRE)  
 EENR 3/7 DPA (7-2-0-0-0)  
 (No: CLARK,KOPEC)

**Committee on Federalism and States' Rights**

**Chairman: Kelly Townsend, LD16**

**Vice Chairman: Noel W. Campbell, LD1**

**Analyst: Justin Riches**

**Intern: John Oyas**

[SCM 1006](#) ports of entry; additional personnel  
 SPONSOR: GRIFFIN, LD14  
 SENATE 2/11/2016 (28-1-1-0)  
 (No: QUEZADA; NV: BEGAY)  
 FSR 3/9 DP (5-0-0-3-0)  
 (Abs: WHEELER,VELASQUEZ,RIOS)

[SCM 1008](#) regulatory integrity protection act  
 SPONSOR: GRIFFIN, LD14  
 SENATE 2/25/2016 (20-8-2-0)  
 (No: DALESSANDRO,CAJERO BEDFORD,FARLEY,BRADLEY,CONTRERAS,HOBBS,QUEZADA,MEZA; NV: PANCRAZI,BEGAY)  
 FSR 3/9 DP (5-0-0-3-0)  
 (Abs: WHEELER,VELASQUEZ,RIOS)

[SCM 1012](#) border security; urging Congress  
 SPONSOR: GRIFFIN, LD14  
 SENATE 2/18/2016 (18-11-1-0)  
 (No: DALESSANDRO,CAJERO BEDFORD,PANCRAZI,FARLEY,BRADLEY,CONTRERAS,HOBBS,MIRANDA,QUEZADA,MEZA,SHERWOOD; NV: MCGUIRE)  
 FSR 3/9 DP (5-0-0-3-0)  
 (Abs: WHEELER,VELASQUEZ,RIOS)

[SCM 1013](#) arms trade treaty; urging Congress  
 SPONSOR: GRIFFIN, LD14  
 SENATE 2/22/2016 (18-12-0-0)  
 (No: DALESSANDRO,CAJERO BEDFORD,PANCRAZI,MCGUIRE,FARLEY,BRADLEY,CONTRERAS,HOBBS,MIRANDA,QUEZADA,MEZA,SHERWOOD)  
 FSR 3/9 DP (5-0-0-3-0)  
 (Abs: WHEELER,VELASQUEZ,RIOS)

[SCM 1015](#) EPA; exceeding authority; urging Congress  
 SPONSOR: GRIFFIN, LD14  
 SENATE 2/18/2016 (19-10-1-0)  
 (No: DALESSANDRO,CAJERO BEDFORD,FARLEY,BRADLEY,CONTRERAS,HOBBS,MIRANDA,QUEZADA,MEZA,SHERWOOD; NV: MCGUIRE)  
 FSR 3/9 DP (5-0-0-3-0)  
 (Abs: WHEELER,VELASQUEZ,RIOS)

**Committee on Government and Higher Education****Chairman: Bob Thorpe, LD6****Vice Chairman: J. Christopher Ackerley, LD2****Analyst: Sharon Carpenter****Intern: Taylor McGrew**

[SB 1040](#) department of administration; continuation  
SPONSOR: KAVANAGH, LD23  
SENATE 1/25/2016 (29-0-1-0)  
(NV: CONTRERAS)  
GHE 3/3 DP (7-0-0-2-0)  
(Abs: TOWNSEND,LOVAS)

[SB 1144](#) ASRS; contributions; adjustments  
SPONSOR: LESKO, LD21  
SENATE 2/8/2016 (30-0-0-0)  
GHE 3/3 DP (6-0-0-3-0)  
(Abs: ALSTON,TOWNSEND,LOVAS)

[SB 1152](#) PSPRS; EORP; CORP; continuation  
SPONSOR: LESKO, LD21  
SENATE 2/8/2016 (30-0-0-0)  
GHE 3/3 DP (7-0-0-2-0)  
(Abs: TOWNSEND,LOVAS)

[SB 1160](#) CORP; reverse deferred retirement option  
SPONSOR: SMITH, LD11  
SENATE 2/18/2016 (29-0-1-0)  
(NV: MCGUIRE)  
GHE 3/3 DP (7-0-0-2-0)  
(Abs: TOWNSEND,LOVAS)

[SB 1309](#) corporation commission; electronic filings  
SPONSOR: GRIFFIN, LD14  
SENATE 2/18/2016 (29-0-1-0)  
(NV: MCGUIRE)  
GHE 3/10 DP (6-0-0-3-0)  
(Abs: LOVAS,OLSON,LARKIN)

[SB 1037](#) ASRS; board delegation; benefit determinations  
SPONSOR: LESKO, LD21  
SENATE 1/28/2016 (28-0-2-0)  
(NV: BEGAY,KAVANAGH)  
GHE 3/3 DP (7-0-0-2-0)  
(Abs: TOWNSEND,LOVAS)

[SB 1038](#) ASRS; reinstatement; contribution amount  
SPONSOR: LESKO, LD21  
SENATE 2/8/2016 (30-0-0-0)  
GHE 3/3 DP (7-0-0-2-0)  
(Abs: TOWNSEND,LOVAS)

[SB 1151](#) ASRS; continuation  
SPONSOR: LESKO, LD21  
SENATE 2/8/2016 (30-0-0-0)  
GHE 3/3 DP (7-0-0-2-0)  
(Abs: TOWNSEND,LOVAS)

**Committee on Health****Chairman: Heather Carter, LD15****Analyst: Ingrid Garvey****Vice Chairman: Regina Cobb, LD5****Intern: Alexandra Erickson**[SB 1105](#) acupuncture board; licensure; qualifications

SPONSOR: BARTO, LD15

SENATE	1/28/2016	(25-3-2-0)
(No: ALLEN S, SMITH, BURGESS; NV: BEGAY, KAVANAGH)		
HEALTH	3/8 DP	(5-0-0-1-0)
(Abs: MEYER)		

[SB 1169](#) mental health power of attorney

SPONSOR: BARTO, LD15

SENATE	2/11/2016	(29-0-1-0)
(NV: BEGAY)		
HEALTH	3/8 DPA	(6-0-0-0-0)

[SB 1300](#) respiratory care examiners

SPONSOR: BARTO, LD15

SENATE	2/25/2016	(27-1-2-0)
(No: BIGGS; NV: PANCRAZI, BEGAY)		
HEALTH	3/8 DPA	(6-0-0-0-0)

[SB 1326](#) behavioral health; dependent children; reporting

SPONSOR: BARTO, LD15

SENATE	2/11/2016	(29-0-1-0)
(NV: BEGAY)		
HEALTH	3/8 DP	(6-0-0-0-0)

[SB 1460](#) pharmacy board; manufacturers; dietary supplements

SPONSOR: WORSLEY, LD25

SENATE	2/18/2016	(29-0-1-0)
(NV: MCGUIRE)		
HEALTH	3/8 DP	(6-0-0-0-0)

**Committee on Insurance****Chairman: Karen Fann, LD1****Analyst: Paul Benny****Vice Chairman: David Livingston, LD22****Intern: Jon Rudolph**[SB 1363](#) insurance coverage; telemedicine

SPONSOR: GRIFFIN, LD14

SENATE	2/18/2016	(29-0-1-0)
(NV: MCGUIRE)		
INS	3/9 DP	(5-0-0-3-0)
(Abs: ROBSON, OTONDO, MCCUNE DAVIS)		

**Committee on Military Affairs and Public Safety****Chairman: Sonny Borrelli, LD5****Analyst: Rick Hazelton****Vice Chairman: Mark Finchem, LD11****Intern: Thomas Lane**[SB 1126](#) prisoner transition program; eligibility; termination

SPONSOR: SMITH, LD11

SENATE	2/16/2016	(26-0-4-0)
(NV: BEGAY, MCGUIRE, DIAL, LESKO)		
MAPS	3/3 DP	(7-0-0-1-0)
(Abs: CARDENAS)		

[SB 1213](#) adjutant general; national guard rules  
 SPONSOR: SMITH, LD11  
 SENATE 2/18/2016 (29-0-1-0)  
 (NV: MCGUIRE)  
 MAPS 3/3 DP (7-0-0-1-0)  
 (Abs: CARDENAS)

[SB 1226](#) department of homeland security; continuation  
 SPONSOR: SMITH, LD11  
 SENATE 2/18/2016 (29-0-1-0)  
 (NV: MCGUIRE)  
 MAPS 3/3 DP (7-0-0-1-0)  
 (Abs: CARDENAS)

[SB 1247](#) prisoners; community reentry; work program  
 SPONSOR: SMITH, LD11  
 SENATE 2/15/2016 (28-0-2-0)  
 (NV: MCGUIRE,DIAL)  
 MAPS 3/3 DP (7-0-0-1-0)  
 (Abs: CARDENAS)

#### **Committee on Transportation and Infrastructure**

**Chairman:** Rick Gray, LD21 **Vice Chairman:** David W. Stevens, LD14  
**Analyst:** Amanda Barnes **Intern:** Caitlynn Kestler

[SB 1492](#) taxis, limousines, livery vehicles  
 SPONSOR: WORSLEY, LD25  
 SENATE 2/25/2016 (28-0-2-0)  
 (NV: PANCRAZI,BEGAY)  
 TI 3/8 DP (5-4-0-0-0)  
 (No: FERNANDEZ,CAMPBELL,ANDRADE,KOPEC)

#### **Committee on Ways and Means**

**Chairman:** Darin Mitchell, LD13 **Vice Chairman:** Anthony Kern, LD20  
**Analyst:** Michael Madden **Intern:** Kaitlyn Yanes

[SB 1117](#) school districts; adjacent ways; verification  
 SPONSOR: DIAL, LD18  
 SENATE 2/22/2016 (18-12-0-0)  
 (No: DALESSANDRO,CAJERO  
 BEDFORD,PANCRAZI,MCGUIRE,FARLEY,BRADLEY,CONTRERAS,HO  
 BBS,MIRANDA,QUEZADA,MEZA,SHERWOOD)  
 WM 3/7 DP (6-2-0-1-0)  
 (No: BOLDING,CARDENAS; Abs: WHEELER)

[SB 1288](#) internal revenue code conformity  
 SPONSOR: LESKO, LD21  
 SENATE 2/25/2016 (28-0-2-0)  
 (NV: PANCRAZI,BEGAY)  
 WM 3/7 DP (8-0-0-1-0)  
 (Abs: WHEELER)

[SB 1289](#) 2016 tax correction act  
 SPONSOR: LESKO, LD21  
 SENATE 2/25/2016 (28-0-2-0)  
 (NV: PANCRAZI,BEGAY)  
 WM 3/7 DP (8-0-0-1-0)  
 (Abs: WHEELER)



# HOUSE OF REPRESENTATIVES

## SB 1243

Mexican wolf; G&F approval; reporting  
Prime Sponsor: Senator Griffin, LD 14

---

**DPA** Committee on Agriculture, Water and Lands

**X** Caucus and COW

House Engrossed

---

### **OVERVIEW**

SB 1243 requires the Game and Fish Commission (Commission) to enter into a memorandum of understanding with the U.S. Fish and Wildlife Service regarding Mexican gray wolves and specifies information the Game and Fish Department (Department) must report to the Commission.

### **PROVISIONS**

1. Requires the Commission to enter into a MOU with the USFWS regarding the Mexican gray wolf that stipulates the release, translocation or cross-fostering of wolves may not occur within three miles of state trust or private land or without a DNA profile on each wolf.
2. Requires the Department to report the following at each Commission meeting:
  - a. Any known death of a wolf and, if known, the cause of death;
  - b. The number of wolves that are supplemented with feed and the cost of supplementation;
  - c. The number of wolves captured by the Department or any partnering federal agency, the reason for capture and the DNA profile of each wolf captured;
  - d. The location of all collared wolves; and
  - e. All human and domestic animal incidents that involve a wolf.
3. Contains a severability clause.

### **AMENDMENTS IN AGRICULTURE, WATER AND LANDS**

1. Requires the Commission to attempt to enter into a MOU with the USFWS prior to any release, translocation or cross-fostering of wolves.

### **ADDITIONAL INFORMATION**

The USFWS is the lead agency responsible for recovery of the Mexican gray wolf. In an attempt to protect the wolf, the USFWS approved the Mexican Wolf Recovery Plan in 1982 with the prime objective of conserving and ensuring the survival of the species by maintaining a captive breeding program and re-establishing a viable, self-sustaining population of at least 100 wolves within the historic range of Arizona and New Mexico.

On June 13, 2013, the USFWS announced a proposal to remove the gray wolf (*Canis lupus*) from the list of Endangered and Threatened Wildlife but maintain the endangered status for the Mexican wolf (*Canis lupus baileyi*) by listing it as a subspecies (78 FR 35664). In addition, the USFWS proposed to change the current boundaries and management regulations established by the 1998 Final Rule (78 FR 37519).

On January 16, 2015, the USFWS published the final Revisions to the Regulations for the Nonessential Experimental Population of the Mexican Wolf in the Federal Register (80 FR 2512). The revisions include: extending the Mexican Wolf Experimental Population Area's (MWEPA) southern boundary from Interstate 10 to the U.S.-Mexico border in Arizona and New Mexico; revising provisions for the allowable take of wolves if necessary to protect livestock or domestic animals; increasing the population objective to 300-325 wolves in the MWEPA; and expanding the initial release area for wolves released from captivity.





# HOUSE OF REPRESENTATIVES

## SB 1268

adequate water supply requirements; municipalities  
Prime Sponsor: Senator Griffin, LD 14

---

**DP** Committee on Agriculture, Water and Lands

**X** Caucus and COW

House Engrossed

---

### OVERVIEW

SB 1268 allows municipalities located in counties that have adopted an adequate water supply ordinance to opt out of the ordinance.

### PROVISIONS

1. Allows municipalities located in a county that has adopted an adequate water supply ordinance prior to the effective date of this Act to adopt an ordinance exempting the municipality from the county's ordinance.
2. Permits municipalities that adopted an ordinance to opt out of the county's adequate water supply requirement to adopt a local adequacy ordinance.
3. Removes the requirement for DWR to notify municipalities when a county adopts an adequacy ordinance.
4. Makes technical and conforming changes.

### CURRENT LAW

[Laws 2007, Chapter 240](#) allowed counties, cities and towns located outside of Active Management Areas (AMA) to adopt an ordinance requiring new subdivisions to have sufficient groundwater, surface water or effluent of adequate quality to satisfy the needs of the proposed use for at least 100 years. A county board of supervisors may adopt, by majority vote, an adequacy ordinance that prohibits municipalities within the county from approving a new subdivision unless the subdivision has an adequate water supply ([A.R.S. §§ 9-463.01\(J\), 11-823](#)).

Municipalities located in counties that have not adopted an ordinance may adopt a local adequacy ordinance to require new subdivisions demonstrate that an adequate water supply exists before the final plat can be approved. A municipality that enacts a local adequacy ordinance must notify the Department of Water Resources (DWR), Department of Environmental Quality, the Real Estate Commissioner and the board of supervisors of the county in which the city is located ([A.R.S § 9-463.01\(O\)](#)).

Under current law, real estate developers must follow certain requirements when subdividing land. When a developer applies for approval of a subdivision that is outside an AMA, DWR determines if the subdivision will have an adequate or inadequate water supply. An adequate water supply is one that will be available for current and committed uses for at least 100 years. The one hundred year supply must be physically, legally and continuously available.

### ADDITIONAL INFORMATION

Cochise and Yuma counties and the towns of Clarkdale and Patagonia have adopted adequate water supply ordinances.



# HOUSE OF REPRESENTATIVES

## SB 1270

pest management division

Prime Sponsor: Senator Griffin, LD 14

---

**DP** Committee on Agriculture, Water and Lands

**X** Caucus and COW

House Engrossed

---

### **OVERVIEW**

SB 1270, effective and retroactive to July 1, 2016, transfers pest management regulation statutes and authorities from Title 32 to Title 3 and establishes the Division of Pest Management in the Department of Agriculture.

### **PROVISIONS**

1. Transfers statutes relating to pest management regulations, certification and licensure of pesticide applicators from Title 32 to Title 3 and establishes the Division of Pest Management (Division) in the Department of Agriculture (ADA).
2. Repeals statutes establishing and operating the Office of Pest Management (OPM) as a self-sustaining 90/10 agency.

#### ***Pest Management Trust Fund***

3. Establishes the Pest Management Trust Fund (Fund).
4. Requires the Director of ADA to administer the Fund as a trustee.
5. Requires the State Treasurer to:
  - a. Accept, separately account for and hold in trust any monies;
  - b. Invest and divest Fund monies; and
  - c. Credit investment earnings to the Fund.
6. Specifies the beneficiaries of the Fund are the Division programs.
7. Specifies that Fund monies do not revert to the General Fund at the end of the fiscal year.
8. Requires, if the Division is terminated, any remaining monies in the Fund be expended to meet existing legal obligations.

#### ***Division Council***

9. Renames the Pest Management Advisory Committee as the Pest Management Division Council (Council).
  - a. The Council will consist of five members and is required to assist and make recommendations regarding the implementation and administration of pest management statutes.
10. Requires the Council to:
  - a. Review pest management policies;
  - b. Assist the Director of ADA in rulemaking and developing budgets; and
  - c. Provide additional assistance to the Director.
11. Permits the Director to approve or reject rulemaking recommendations provided by the Council.
12. Requires the Director to provide a written explanation within 15 days of the rejection of Council rulemaking recommendations.
13. Requires the comments of the Council to be included in the official record when adopting rules or budgets.

#### ***Pesticide Application Notice***

14. Revises the 72-hour pesticide application notification requirement, which will include only the following information:
  - a. Location and area of the application;
  - b. The brand name of the pesticides to be applied;
  - c. Name, address, phone number and contact information of the business or certified applicator; and
  - d. A statement that additional information, the product label, or the safety data sheet is available by contacting the business or certified application.

#### ***Miscellaneous***

15. Allows the Director to charge and collect fees for goods at or below cost.
16. Prohibits anyone from commencing work on a contract or sign, issue or deliver any document relating to pest management without being licensed, unless otherwise exempt from licensing.

- a. A person who violates this prohibition with reckless disregard for the health and safety of persons or property is guilty of a class 6 felony.

17. Makes technical and conforming changes.

18. Exempts, for purposes of this Act, the ADA from statutory rulemaking requirements for one year.

19. Contains an effective and retroactive date of July 1, 2016.

#### **ADDITIONAL INFORMATION**

OPM licenses nonagricultural, commercial pest control businesses and regulates the pesticide applicators and inspectors employed by these companies. [Laws 2011, Chapter 20](#) established the OPM within ADA and provided for the temporary transfer of administrative authority of the OPM to the ADA.

[Laws 2013, Chapter 125](#) permanently transferred administrative authority of the OPM to ADA. Currently, OPM is a self-sustaining 90/10 agency that is overseen by the ADA's Environmental Services Division.



# HOUSE OF REPRESENTATIVES

SB 1344

agriculture omnibus

Prime Sponsor: Senator Pierce, LD 1

---

**DP** Committee on Agriculture, Water and Lands

**X** Caucus and COW

House Engrossed

---

## **OVERVIEW**

SB 1344 makes various changes to statute regarding inspections of livestock, reintroduction of predatory wildlife and the implementation of an ALIRT agreement.

## **PROVISIONS**

### ***Livestock Inspection***

1. Allows the Director of the Department of Agriculture (ADA) to establish service charges, not to exceed \$25, for inspection of cattle, sheep and dairy cattle conducted by the Animal Services Division (Division).
  - a. Current law sets the fee at \$3 in addition to inspection fees of \$.25/head of cattle and dairy cattle, and \$.05/head of sheep (A.R.S. § 3-1337).
2. Allows the Division to approve self-inspections by movers of livestock and requires documentation on a simple and concise form that includes the:
  - a. owner or agent's name;
  - b. number of animals;
  - c. signature and address;
  - d. the transporter's name;
  - e. location of the place and date of shipment;
  - f. destination; and
  - g. animal's registered brand, if branded.
    - Current law does not specify the ability for the Division to approve self-inspection for all movers of livestock or stipulate the contents of the form (A.R.S. § 3-1337).
3. Excludes swine and livestock inspected by movers of livestock from ADA health, brand and mark inspections prior to slaughtering, sale, purchase or transportation.
4. Requires movers of livestock to purchase a self-inspection book from the Department.
5. Permits the Department, in consultation with the Agriculture Advisory Council, to establish a fee for the self-inspection book.
6. Removes the \$.20/head self-inspection fee.

### ***Predatory Wildlife***

7. Requires the Director of ADA to cooperate with the U.S. Department of Agriculture in the reintroduction of predatory wildlife.
8. Permits the Director to enter into cooperative agreements with counties and other governmental agencies of the state to promote the control and destruction of reintroduced wildlife.
9. Allows a county board of supervisors to control and destroy reintroduced predatory wildlife within the county's boundaries.

### ***Arizona Livestock Incident Response Team Agreement (ALIRT)***

10. Allows the Director to cooperate and enter into agreements with state universities and use Commercial Feed Trust Fund (Fund) monies to assist the efforts of an ALIRT agreement.
11. Requires the Director to distribute up to \$50,000 from the Fund to execute the ALIRT agreement.
12. Defines ALIRT agreement.



# HOUSE OF REPRESENTATIVES

## SB 1399

dams; affidavit; recording

Prime Sponsor: Senator Griffin, LD 14

---

**DPA/SE** Committee on Agriculture, Water and Lands

**X** Caucus and COW

House Engrossed

---

### **Summary of the Proposed Strike-Everything Amendment to SB 1399**

The proposed strike-everything amendment to SB 1399 establishes a 5-member committee to develop a plan to construct a potential new water storage facility on state trust land.

### **PROVISIONS**

1. Establishes the Arizona Water Infrastructure Study Committee (Committee) with the following members:
  - a. The chairperson of the Senate Committee on Water and Energy or its successor committee, who shall serve as the cochair;
  - b. The chairperson of the House of Representatives Committee on Agriculture, Water and Lands or its successor committee, who shall serve as the cochair;
  - c. The State Land Commissioner or the Commissioner's designee;
  - d. The Director of the Department of Water Resources or the Director's designee; and
  - e. The Governor or the Governor's designee.
2. Requires the Committee to:
  - a. Develop a plan to create additional water storage, including identifying the six most acceptable locations to build a potential new water storage facility on state trust land; and
  - b. Submit a report to the Governor, the Legislature and the Secretary of State on or before December 31, 2017.
3. Sunsets the Committee on October 1, 2018.

### **AMENDMENTS IN AGRICULTURE, WATER AND LANDS**

1. The strike-everything amendment was adopted.



# HOUSE OF REPRESENTATIVES

## SCM 1011

resilient federal forests act

Prime Sponsor: Senator Griffin, LD 14

---

**DP** Committee on Agriculture, Water and Lands

**X** Caucus and COW

House Engrossed

---

### OVERVIEW

SCM 1011 requests Congress to enact the Resilient Federal Forests Act.

### PROVISIONS

1. Requests Congress to enact the Resilient Federal Forests Act.
2. Requests the Secretary of State of Arizona transmit copies of the Memorial to the President of the United States, the Speaker of the U.S. House of Representatives and each Member of Congress from the State of Arizona.

### ADDITIONAL INFORMATION

The [Resilient Federal Forests Act of 2015](#), H.R. 2647, according to a [summary](#) provided by the House Committee on Natural Resources, would improve the health and resiliency of federal forests and range lands. The Act would allow FEMA to transfer limited funds to the Forest Service and the Bureau of Land Management when wildfire suppression funding has been exhausted, allow expedited environmental reviews for removal of dead trees, provide new methods of funding Forest Service projects and update the Secure Rural Schools & Community Self-Determination Act by returning county share of forest receipts for long term stewardship projects.



# HOUSE OF REPRESENTATIVES

## SCM 1014

administratively recommended wilderness; urging Congress

Prime Sponsor: Senator Griffin, LD 14

---

**DP** Committee on Agriculture, Water and Lands

**X** Caucus and COW

House Engrossed

---

### OVERVIEW

SCM 1014 urges Congress to prohibit federal agencies from recommending and identifying Arizona's public lands as wilderness areas without express congressional consent.

### PROVISIONS

1. Urges Congress to prohibit federal agencies from recommending and identifying Arizona's public lands as wilderness areas without express congressional consent.
2. Requests the Secretary of State of Arizona transmit copies of the Memorial to the President of the U.S. Senate, the Speaker of the U.S. House of Representatives and each Member of Congress from Arizona.

### ADDITIONAL INFORMATION

The [Bureau of Land Management](#) (BLM) is responsible for overseeing Arizona's designated wilderness areas. There are currently [47 wilderness areas and 2 wilderness study areas](#) in the state. Congress designated these wilderness areas through the Arizona Wilderness Act of 1984 and the Arizona Desert Wilderness Act of 1990 for the purpose of retaining their natural character without permanent improvements.



# HOUSE OF REPRESENTATIVES

## SB 1348

county treasurer; warrants; electronic transfers

Prime Sponsor: Senator Burges, LD 22

---

**DP** Committee on County and Municipal Affairs

**X** Caucus and COW

House Engrossed

---

### OVERVIEW

SB 1348 incorporates electronic versions of fund transfers and notices to the warrant payment process by a county treasurer.

### PROVISIONS

1. Includes an electronic funds transfer as a form of bill statement for payment or investment made by the county.
2. Requires a county treasurer to keep a register of electronic funds transfers presented for payment in addition to warrants and substitute checks.
3. Stipulates if a county treasurer does not invest in the presented warrant, substitute check or electronic funds transfer:
  - a. the county treasurer must notify the servicing bank that the statement will not be paid due to lack of monies, and
  - b. the original warrants interest per year cannot exceed more than 10% from the time until there are sufficient funds to pay the original warrant.
4. Allows for a notice of the intent to pay a warrant to be posted on a county's website.
5. Repeals a section of statute regarding the application of funds when unpaid warrants are not presented.
6. Modifies the definition of *substitute check* and *warrant*.
7. Makes technical and conforming changes.

### CURRENT LAW

As defined in [A.R.S. § 9-249](#):

A *substitute check* is a paper reproduction of an original warrant created from an electronic image of the original warrant that: (1) contains an image of the front and back of the original check, (2) bears a magnetic ink character recognition line containing all of the information in the magnetic ink character recognition line of the original check, (3) conforms in paper stock, dimension and otherwise with generally applicable industry standards for substitute checks, (4) is suitable for automated processing in the same manner as the original warrant.

A *warrant* is an original warrant or an electronic image of an original warrant from which a substitute check be created.

[A.R.S. § 35-323](#) includes bonds, notes or other evidences of indebtedness of this state or any of its counties, incorporated cities or towns, school districts or special taxing districts, including registered warrants that shall bear interest pursuant to [A.R.S. § 11-635](#).

[A.R.S. § 11-638](#) states if an unpaid warrant is not presented for payment within ten days from publication or posting of notice as provided by section 11-636, then the treasurer shall apply the fund set aside for payment of the warrant to payment of unpaid warrants next in order of registry. The board of supervisors may, on presentation of warrants properly endorsed, which have been advertised as payable, direct the treasurer to pay them out of money in the treasury not otherwise appropriated.





# HOUSE OF REPRESENTATIVES

## SB 1193

real estate licenses; broker possession

Prime Sponsor: Senator Griffin, LD 14

---

**DP** Committee on Commerce

**X** Caucus and COW

House Engrossed

---

### **OVERVIEW**

SB 1193 modifies the Arizona Department of Real Estate's (ADRE) duty for licensees to possess a hard copy license certificate to include the use of electronic format.

### **PROVISIONS**

1. Eliminates the requirement for a real estate broker to return a suspended, revoked or cancelled license to ADRE and instead requires the license to be destroyed.
2. Directs the designated broker to dispose of the license of any salesperson or associate broker no longer working for the designated broker.
3. States that a designated broker complies with the ADRE possession requirement by: 1) accessing the licensee's record in the ADRE public online database and 2) printing a copy of the current and active license or having the record available in electronic format.

### **CURRENT LAW**

[ARS § 32-2128](#) outlines the requirements for displaying and possessing real estate license certificates. The designated broker is responsible for all salespersons/associate brokers. The law requires designated brokers and their employing brokers to prominently display all license certificates in the broker's office. All other license certificates must be readily available. The salesperson or associate broker licenses must be in the employer's possession until cancelled, terminated, suspended or revoked by ADRE, or until the person's employment ends, at which time the designated broker must return the license to ADRE. Further, the licensee must return to the broker any pocket card identification that was issued by ADRE.

### **ADDITIONAL INFORMATION**

The ADRE baseline for [FY 2017](#) includes \$2,985,200 and 37 FTE positions from the General Fund. As of December 2015, there are 78,650 total licensees.



# HOUSE OF REPRESENTATIVES

## SB 1362

mobile home, RV parks; prohibition

Prime Sponsor: Senator Griffin, LD 14

---

**DP** Committee on Commerce

**X** Caucus and COW

House Engrossed

---

### OVERVIEW

SB 1362 prohibits a mobile home park (Park) from requiring a tenant to place additional names on the title of a mobile home or recreational vehicle as a condition of tenancy.

### PROVISIONS

1. Prohibits a Park from requiring a tenant to place any additional person's name onto the title of a mobile home or recreational vehicle as a condition of tenancy, or from charging any fees or penalties for failure to do so.
2. Authorizes a tenant to recover damages and void a rental agreement if the landlord deliberately uses prohibited provisions in a rental agreement for the occupancy of a recreational vehicle space.
3. Makes technical changes.

### CURRENT LAW

Arizona Mobile Home Parks Residential Landlord and Tenant Act (Act) in [Title 33, Ch. 11](#) outlines the obligations of tenants and landlords of a Park and establishes the law governing the rental of mobile home spaces and rights. The chapter lists prohibited provisions in rental agreements, requirements for the rules and regulations of the Park and stipulates acceptable fees and practices between the tenant and the landlord.

[A.R.S. § 33-1414](#) prohibits Park rental agreements from containing language that makes a tenant waive or forgo rights contained in the [Act](#), pay the landlord's attorney fees or limit the liability of a landlord arising under law. A landlord cannot charge a fee for a late payment of rent unless it is more than five days overdue or a fee for a guest if the guest does not stay for more than a total of 14 days in a calendar month. Language that waives or limits the abilities of a tenant or charges a fee to a tenant for summoning emergency assistance is also prohibited. Any landlord that deliberately uses prohibited provisions in [A.R.S. § 33-1414](#) is liable for actual damages and may also have the rental agreement voided.

[A.R.S. § 33-1452](#) directs the landlord of a mobile home park to create rules and regulations for tenants and outlines requirements such as promoting the convenience, safety and welfare of the tenants on the premises, preserving the landlord's property from abusive use, preserving or upgrading the quality of the mobile home park or making a fair distribution of services and facilities for the tenants. Any Park owner that adds, changes, deletes or amends any rule must give written notice of the alteration by first class or certified mail and furnish it to all mobile home tenants at least 30 days before it becomes effective. Any rule or condition of occupancy which is unfair and deceptive or does not conform to the requirements of [Title 33, Ch. 11](#) cannot be enforced. A rule or regulation adopted after the tenant enters into the rental agreement is enforceable only if it is not a substantial modification of the rental agreement.

Recreational Vehicle Long-Term Rental Space Act (RV Act) in [Title 33, Ch. 19](#) provides details of the rights, obligations and remedies for a recreational vehicle space rented in a recreational vehicle park or Park by the same tenant under a rental agreement for more than 180 consecutive days. The RV Act also outlines the requirements for the rules of the recreational vehicle park or Park.

[A.R.S. § 33-2106](#) prohibits Park or recreational vehicle park rental agreements from containing language requiring the waiver of tenant rights or remedies provided by law.

[A.R.S. § 33-2132](#) directs a landlord to adopt written rules for a Park or recreational vehicle park and are only enforceable if the rules meet certain requirements that apply to all tenants on the premises in a fair manner. The rules must also be sufficiently explicit in prohibition, direction or limitation of the tenant's conduct and fairly inform tenants of what is necessary to comply. Finally, the rules may not be established for the purpose of evading the obligations of the landlord.



# HOUSE OF REPRESENTATIVES

## SB 1401

trade names; trademarks; application

Prime Sponsor: Senator Griffin, LD 14

---

**DP** Committee on Commerce

**X** Caucus and COW

House Engrossed

---

### **OVERVIEW**

SB 1401 specifies that applications must have statements indicating research of registered trade names and trademarks has been conducted.

### **PROVISIONS**

1. Specifies that trade name and trademark applications must have a statement that indicates the applicant has researched the desired trade name or trademark and found no conflicts that would cause confusion or deception.
2. States that an applicant must indicate on the application if the desired trademark has previously been registered with the United States Patent and Trademark Office and if the registration was denied, the reason for the denial.
3. Makes technical changes.

### **CURRENT LAW**

[A.R.S. § 44-1443](#) outlines the process to register trade names, trademarks and service marks at the SOS's office. Applications for the various registrations may be obtained from the SOS's office or downloaded from their website. Completed applications must be notarized and submitted to the SOS with the appropriate [filing fee](#) listed in the [Trade Name and Trademark Handbook](#). Trademarks and service marks must be renewed every 10 years and trade names every 5 years.

Registration filings include the name and business address of the person applying. A trade name, title or designation to be registered must list the general nature of the business conducted by the applicant, and length of time the name, title or designation has been used. A trademark or service mark registration must describe the goods or services and manner with which the mark is used in connection with those goods and services, the date of its first use, and a statement that the applicant is the owner and that no other person has a right to use the mark.

### **ADDITIONAL INFORMATION**

According to the [SOS's website](#):

Filing a trade name registers a business name for public record. A trade name is similar to a *doing business as* ("DBA") name, and is not legally required but is an acceptable business practice. Customers should perform an extensive and independent search for name availability. Once filed, the names are checked against the state's database of over 300,000 names.

Filing a trademark registers a logo or slogan to be displayed on goods or services for public record. Trademarks are also referred to as service marks. These are also not required to be registered, but are an acceptable business practice.



# HOUSE OF REPRESENTATIVES

## SB 1420

industrial commission; compensation  
Prime Sponsor: Senator Yee, LD 20

---

**DP** Committee on Commerce

**X** Caucus and COW

House Engrossed

---

### **OVERVIEW**

SB 1420 makes several revisions to the Industrial Commission of Arizona (ICA), including appointment of the Director and Commissioner per diems for preparation and attendance of ICA hearings.

### **PROVISIONS**

1. Authorizes the Governor to appoint the ICA Director (rather than the Commissioners).
2. Instructs Commissioners to submit documentation of duties related to meeting preparation and attendance to the Director in order to receive their \$50 per diem.
3. Permits the Director to deny per diem for any Commissioner who fails to provide proper documentation or when the duties are not related to preparing for or attending an ICA hearing.
4. Makes technical and conforming changes.

### **CURRENT LAW**

The Industrial Commission of Arizona (ICA) consists of five members appointed by the Governor and confirmed by the Senate to serve five years terms. Not more than three members may belong to the same political party. Members must have been an Arizona resident for at least five years immediately before their appointment. The chairman is appointed by the Governor and serves at his pleasure. Commissioners receive \$50 salary per day for each day (per diem) of actually performing their duties. The Governor may remove members for inefficiency or various other violations, including illegal or dishonest activity or other infractions of law. ([ARS § 23-101](#))

[ARS § 23-108](#) describes the position of the ICA Director, appointed by the commissioners, confirmed by the Senate and serving at the pleasure of the Governor. Statute permits the commissioners to determine the levels of administrative ability, education and training that the Director is required to have. The Director's powers and duties include administering the policies, powers and duties of the ICA.

### **ADDITIONAL INFORMATION**

The Committee of Reference (made up of the Senate Commerce and Workforce Development Committee and the House of Representatives Commerce Committee) conducted a Sunset Review of the ICA and its associated boards in December 2015. One of the primary issues was the ICA Commissioner per diem and defining an eligible and appropriate claim.

[ICA Final Report.pdf](#)



# HOUSE OF REPRESENTATIVES

## SB 1487

state law; local violations; penalties

Prime Sponsor: Senator Biggs, LD 12

---

**DP** Committee on Commerce

**X** Caucus and COW

House Engrossed

---

### OVERVIEW

SB 1487 requires the Arizona Attorney General (AG) to investigate alleged violations of state statute or the Arizona Constitution by a county, city or town (Local Jurisdiction). Prescribes penalties for violations that withhold the Local Jurisdiction's state shared revenues.

### PROVISIONS

1. Requires the AG to investigate an ordinance, regulation, order or other official action (Action) taken by the governing body of a Local Jurisdiction, upon the request of a Legislator who alleges a violation of state law or the Arizona Constitution.
2. Directs the AG to provide a written report of the investigation's findings and conclusions within 30 days after receiving the request. Requires a copy of the report to be sent to the Governor, Legislature, Secretary of State and the Legislator (s) making the request.
3. Instructs the AG as follows if the Action under investigation:
  - a. *Violates state law or the state Constitution* – the AG must provide notice to the Local Jurisdiction of the violation, giving them 30 days to resolve the issue. Failure to resolve the violation requires the AG to do all of the following:
    - i. Notify the State Treasurer to withhold State Shared Revenues for redistribution to other Local Jurisdictions as outlined.
    - ii. Monitor the response and if the violation is resolved, notify the pertinent parties, including the State Treasurer so that state shared revenues may resume.
  - b. *May violate state law or the Constitution* – the AG files a special action in the Supreme Court to resolve the issue. Directs the Supreme Court to give the special action precedence over all other cases and require the Local Jurisdiction to post bond equivalent to the amount of state-shared revenue paid over the past six months.
  - c. *Does not violate state law or the state Constitution* – the AG takes no further action.
4. Authorizes the State Treasurer to withhold state-shared revenues from an offending Local Jurisdiction. Directs the AG to certify to the State Treasurer that the violation is resolved, at which time the distribution resumes.
5. Stipulates that monies will not be withheld if necessary to make required deposits or payments for debt service on bonds or other long-term obligations of the Local Jurisdiction.

### CURRENT LAW

[A.R.S. § 41-192](#) allows the AG to represent political subdivisions, school districts and municipalities in suits to enforce state or federal statutes pertaining to antitrust, restraint of trade or price-fixing activities or conspiracies. Even though the AG must give notification to political subdivisions, school districts and municipalities, they have 30 days to withdraw the authority of the AG to bring the intended action on its behalf.

The [AG](#) is a constitutionally mandated and voter-elected attorney who serves as the chief legal officer of Arizona. The AG represents and provides legal advice to most state agencies, enforces consumer protection and civil rights laws, and prosecutes criminals charged with complex financial crimes and certain conspiracies involving illegal drugs. All statewide appeals from felony convictions are handed down by the AG's office. Additionally, the AG's office prosecutes cases normally handled by county attorneys when they have a conflict. The AG's office is divided into the following divisions: Criminal, State Government, Child and Family Protection, Civil Litigation, Solicitor General, Executive Office and Operations.



# HOUSE OF REPRESENTATIVES

## SB 1524

regulatory actions; limitation  
Prime Sponsor: Senator Smith, LD 11

---

**DPA** Committee on Commerce

**X** Caucus and COW

House Engrossed

---

### OVERVIEW

SB 1524 limits the ability of a city, town, county or state agency (Entity) to adopt regulations that affect individuals or businesses unless specifically authorized.

### PROVISIONS

1. Prohibits an Entity from taking any new action to increase the regulatory burden on a person unless there is a critical or urgent need not addressed by legislation or self-regulation within the proposed field.
2. Prohibits an Entity from imposing a new regulation on a business using a digital platform for people to offer goods or services to the public or from each other, if the purpose is to regulate a business providing goods or services directly to the consumer.
3. Clarifies that this bill does not affect existing law or ordinance that gives specific authority to Entities.

### AMENDMENTS IN COMMERCE COMMITTEE

1. Requires a threat to the health, safety or welfare of the public in order for new legislation to be enacted.
2. References a Qualified Marketplace Platform, rather than a digital platform.
3. Defines *Qualified Marketplace Contractor* and *Qualified Marketplace Platform* and incorporates them into the provisions of the bill.

### CURRENT LAW

Arizona Revised Statutes (A.R.S.) [Title 41, Chapter 6, Administrative Procedure Act](#) (APA) governs the adoption of administrative rules and administrative adjudicatory proceedings by executive branch agencies. An *administrative rule* is an agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy or describes the procedure or practice requirements of an agency.

The [Arizona Administrative Code](#) contains the official published rules of the state of Arizona and the compilation of rules serve to govern all state agencies, boards, and commissions. The set includes rules divided into Titles and Chapters. The Secretary of State is responsible for publishing the Code, which is available online through their website.

Cities, towns and counties have the ability to adopt ordinances and rules under the regulatory authority of A.R.S. Title 9, Chapter 7 (Ordinances and Codes) and Title 11, Chapter 11 (County Regulations).



# HOUSE OF REPRESENTATIVES

## SB 1375

telephone solicitations

Prime Sponsor: Senator Lesko, LD 21

---

**DP** Committee on Commerce

**X** Caucus and COW

House Engrossed

---

### **OVERVIEW**

SB 1375 changes the definition of *telephone solicitation* to include outbound calls to other states.

### **PROVISIONS**

1. Defines *telephone solicitation* as any voice communication from a live operator, announcing device or otherwise that is offering merchandise for sale or rent and the call is to or from a person located in this state.
2. Expands the prohibition of calling people on the national do-not-call registry to include out-of-state phone numbers.
3. Makes conforming changes.

### **CURRENT LAW**

[A.R.S. § 44-1271](#) states that a telephone solicitation occurs when a live operator, announcing device or otherwise offers merchandise for sale or rent to a telephone number in this state.

[A.R.S. § 44-1272](#) requires telemarketers to register annually with the Secretary of State (SOS) before the seller solicits any consumer from a location in this state or any consumer located in this state. The SOS has three types of [registrations](#) that telemarketers can file: full registration; limited registration; and, a filing exemption. An annual full registration filing fee is \$500 and applicants are required to submit a surety bond of \$100,000. Applicants for a limited registration or a filing exemption are not required to pay a filing fee or surety bond.

[A.R.S. § 44-1282](#) prohibits telemarketers from calling telephone numbers in Arizona if the telephone number is entered in the national do-not-call registry established by the Federal Trade Commission.

### **ADDITIONAL INFORMATION**

According to the [SOS's website](#):

“In response to growing concerns raised by consumers and businesses relating to unsolicited telephone solicitations, the Secretary of State's Office in conjunction with the Consumer Fraud Division of the Office of the Attorney General have worked to protect consumers from unwanted telephone sales calls and to provide increased public information before the seller solicits any consumer from a location in this state or any consumer located in this state.”



# HOUSE OF REPRESENTATIVES

## SB 1197

*schools; cursive writing requirement*

Prime Sponsor: Senator Griffin, LD 14

---

**DP** Committee on Education

**X** Caucus and COW

House Engrossed

---

### **OVERVIEW**

SB 1197 requires instruction in cursive reading and writing to be included in the minimum course of study prescribed by the Arizona State Board of Education (SBE).

### **PROVISIONS**

1. Requires SBE to include instruction in cursive reading and writing in the minimum course of study to ensure that students are able to create readable documents through legible cursive handwriting by the end of grade 5.
2. Requires school district governing boards include instruction in cursive reading and writing in prescribed curricula.
3. Prohibits a required cursive reading and writing test.
4. Makes a technical change.

### **CURRENT LAW**

SBE is a constitutional body charged with the general supervision of Arizona's public school system, including prescribing a minimum course of study and competency requirements for the promotion of students in grades 3 and 8 that incorporate adopted academic standards ([A.R.S. § 15-701](#)). School district governing boards prescribe curricula for instruction and criteria for promotion in the district, subject to the guidelines set by SBE, that include the academic standards in required subject areas adopted by SBE and may prescribe a course of study and promotion criteria that are higher than those adopted by SBE. SBE is additionally required to adopt and implement an Arizona Instrument to Measure Standards test to measure pupil achievement in adopted academic standards that is administered by local school district governing boards ([A.R.S. § 15-741](#)). Penmanship tests are not required under SBE's assessment requirements.





# HOUSE OF REPRESENTATIVES

## SB 1239

schools; state seal of biliteracy

Prime Sponsor: Senator Begay, LD 7

---

**DP** Committee on Education

**X** Caucus and COW

House Engrossed

---

### OVERVIEW

SB 1239 establishes the State Seal of Biliteracy Program (Program).

### PROVISIONS

1. Directs the Superintendent of Public Instruction (SPI) to establish the Program to recognize students who have attained a high level of proficiency in one or more languages other than English.
2. Instructs the SPI to:
  - a. Create a state seal of biliteracy (seal) to be affixed on to the student's diploma and noted on their transcript.
  - b. Deliver the seal to each school district or charter school that participates in the Program.
3. Allows any school district or charter school to participate in the Program by notifying the SPI.
4. Requires each school district or charter school participating in the Program to:
  - a. Identify the students who have met the requirements to be awarded the seal.
  - b. Affix the seal to the student's diploma and note it on the transcripts.
5. Requires the Arizona State Board of Education (SBE), in collaboration with the Arizona Department of Education, to adopt a list of assessments using researched-based methodology to determine a student's proficiency in a language other than English.
6. Allows SBE to adopt rules to carry out the purpose of the Program.
7. Requires a school district or charter school to award a diploma with the seal to students who graduate and meet the following requirements:
  - a. Successfully complete all English Language Arts requirements for graduation with an overall grade point average of 2.0 or higher on a 4.0 scale;
  - b. Pass the end-of-course examinations in English Language Arts;
  - c. Demonstrate proficiency in one or more languages other than English by meeting the requirements set by SBE.
  - d. Obtain a score of proficient or higher based on the English language proficiency standards, if the student has a primary language other than English.
8. Sunsets the Program on July 1, 2026.
9. Contains an emergency clause.

### CURRENT LAW

Not currently addressed in statute.



# HOUSE OF REPRESENTATIVES

## SB 1137

schools; CPR instruction.

Prime Sponsor: Senator Dial, LD 18

---

**DP** Committee on Education

**X** Caucus and COW

House Engrossed

---

### **OVERVIEW**

SB 1137 requires public schools to provide cardiopulmonary resuscitation (CPR) training to high school students by July 1, 2019.

### **PROVISIONS**

1. Requires, rather than permits, public schools to provide one or more CPR training sessions to students in high school by July 1, 2019.
2. Removes the requirement for CPR training be based on the most current training developed by a nationally recognized nonprofit organization.
3. Requires the CPR training to include hands-on practice, except for students enrolled in an Arizona Online Instruction.
4. Allows public schools to assign CPR training as homework to satisfy CPR training requirements if completion of the homework is verified by a teacher or parent.
5. Requires a student with a disability to be excused from CPR training if the student's individualized education program team makes a determination to excuse the student.
6. Permits school districts and charter schools to use any of the following persons to provide CPR training:
  - a. Emergency medical technicians
  - b. Paramedics
  - c. Fire department personnel
  - d. Police officers
  - e. Representatives from the American Heart Association
  - f. Representatives from the American Red Cross
  - g. Teachers
  - h. Other school employees or similarly qualified persons
7. Allows contributions to support CPR training programs to qualify for the Public School Tax Credit.
8. Contains a retroactive effective date of January 1, 2016.
9. Makes technical and conforming changes.

### **CURRENT LAW**

[A.R.S. § 15-718.01](#) allows public schools to provide CPR training to students in grades 7-12. Schools that provide CPR training must use the most current training developed by a nationally recognized nonprofit organization based on the current national evidence-based emergency cardiovascular care guidelines for CPR. CPR training must be instructed by a certified CPR trainer if the instruction results in CPR certification. Public schools that provide CPR training are required to allow students to opt-out if the student has already received CPR training or by a parent's request.

[A.R.S. § 43-1089.01](#) establishes the Public School Tax Credit and allows a taxpayer to receive a dollar for dollar tax credit for donating monies to a public school for standardized testing, career and technical education industry certification assessment, extracurricular activities or character education programs. The Public School Tax Credit allows an individual to receive up to \$200 tax credit, or a married couple filing a joint return to receive up to \$400 credit.



# HOUSE OF REPRESENTATIVES

## SB 1417

distributed energy generation systems  
Prime Sponsor: Senator Lesko, LD 21

---

**DPA** Committee on Energy, Environment and Natural Resources

**X** Caucus and COW

House Engrossed

---

### **OVERVIEW**

SB 1417 prescribes installation, interconnection and energizing processes for distributed generation systems and makes changes to the warranty and consumer disclosure requirements for the sale, lease or finance of a system.

### **PROVISIONS**

#### ***Distributed Generation System Interconnection***

1. Defines *energize* and *energized* as a distributed generation system (DG system) that is installed and operational for generating and storing electricity.
2. Defines *interconnected* or *interconnection* as a DG system that is connected and able to transfer electricity to the power grid.
3. Prohibits anyone from installing, interconnecting or energizing a DG system until an application has been submitted to and approved by the utility that owns or operates the power grid and the applicant must follow the utility's interconnection requirements.
  - a. The application must disclose the current owner at the time the DG system will be energized and the utility must be notified of any ownership changes.
4. Allows utilities serving less than 75,000 customers to waive the prescribed interconnection requirements.
5. Requires DG systems to be energized and interconnected before lease payments begin.

#### ***Installation and Safety Standards***

6. Adds that installation of DG systems must be in compliance with state and federal consumer protection, performance, certification, marking, installation and safety standards.
7. Applies disciplinary actions to contractors that fail to meet installation, safety or other prescribed standards.
8. Removes the ability of the Registrar of Contractors (ROC) to conduct random inspections of solar devices.

#### ***Agreements and Sales Documents***

9. Requires any blank spaces in a finance, sale or lease agreement for a DG system to be shown to and initialed by the consumer when signing the agreement.
10. Adds that the following must be separately acknowledged by the consumer:
  - a. The provision granting the consumer to rescind the agreement within three business days after the agreement is signed and before the system is installed;
  - b. A description of the make and model of the DG system major components or a guarantee concerning energy production output the system will provide for the duration of the agreement; and
  - c. The total purchase price or cost for the life of the agreement, any interest or fees to be paid, the total number of payments, payment frequency, the amount of payment and the payment due date, if the system is financed or leased.
  - Current law requires this information to be disclosed to the consumer in the agreement but does not specify this information must be separately acknowledged ([A.R.S. § 44-1763\(A\)](#)).
11. Stipulates the agreement must contain the information required in [A.R.S. § 32-1158](#) for contracts.
12. Requires utility rate projections provided in an agreement or sales document to include an estimate of the consumer's future utility charges for the duration of the agreement.
  - Current law requires agreements and marketing materials containing projections of future utility charges based on future utility rates to provide an estimate of the utility charges during the same period as impacted by potential rate changes from plus or minus 5% range from current utility costs ([A.R.S. § 44-1763\(A\)\(12\)](#)).
13. Requires documents and sales presentations to:

- a. Substantiate methodology used to calculate and reasonably quantify the cumulative savings the consumer would receive for the duration of the agreement; and
- b. Include historical utility rates in the same utility service territory as the consumer for the preceding period that is the same timeframe as the duration of the agreement.

#### ***Warranties***

14. Requires the major components of leased or financed DG system to be warranted for two years or, in lieu of warranting, guarantee the energy production output that will apply to the duration of the finance or lease agreement.
  - a. Requires warranty periods for DG system major components that are less than the duration of the agreement to be disclosed to and separately acknowledged by the consumer.
15. Requires a written warranty to be provided in the agreement for financing, sale or lease of a solar energy device.
16. Removes the requirement for ROC to adopt rules regarding the warranty statement.

#### ***Miscellaneous***

17. Removes references to and requirements of the shuttered Governor's energy office.
18. Includes DG system in the definition of *solar device*.
19. Makes technical and conforming changes.

#### **AMENDMENTS IN ENERGY, ENVIRONMENT AND NATURAL RESOURCES**

1. Requires the plus or minus 5% rate change range to be applied in 1% increments if a sales document or an agreement contains future utility rate projections.
2. Applies the requirement to quantify the cumulative savings expected for the duration of an agreement only to documents or sales presentations that are intended for a specific consumer.



# HOUSE OF REPRESENTATIVES

## SCM 1006

ports of entry; additional personnel

Prime Sponsor: Senator Griffin, LD 14

---

**DP** Committee on Federalism and States' Rights

**X** Caucus and COW

House Engrossed

---

### OVERVIEW

SCM 1006 urges Congress to act to increase the number of United States Customs and Border Protection (CBP) personnel at the ports of entry in Arizona.

### PROVISIONS

1. Urges Congress to act to increase the number of CBP personnel at the ports of entry in Arizona in order to secure the border between the United States and Mexico and to enhance the safety and security of people and their property in the currently unsecure regions of the border and to increase economic growth and stability for the residents of Arizona.
2. Requires the Arizona Secretary of State to transmit a copy of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each member of Congress from the State of Arizona.

### CURRENT LAW

[Arizona Revised Statutes § 11-1051](#) establishes that, in enforcing immigration laws, no official or agency of this State or a county, city, town or other political subdivision of this State may limit or restrict the enforcement of federal immigration laws to less than the full extent permitted by federal law. Additionally, it also specifies that if an alien who is unlawfully present in the United States is convicted of a violation of state or local law, on discharge from imprisonment or on the assessment of any monetary obligation that is imposed, the United States Immigration and Customs Enforcement or the United States CBP shall be immediately notified.

### ADDITIONAL INFORMATION

CBP is an agency under the Department of Homeland Security which is charged with detecting and preventing the illegal entry of aliens into the United States. CBP works together with law enforcement officers to maintain the borders by facilitating the flow of legal immigration and goods while preventing the illegal trafficking of people and contraband and keeping the entry of terrorists and their weapons out of the U.S.



# HOUSE OF REPRESENTATIVES

## SCM 1008

regulatory integrity protection act

Prime Sponsor: Senator Griffin, LD 14

---

**DP** Committee on Federalism and States' Rights

**X** Caucus and COW

House Engrossed

---

### **OVERVIEW**

SCM 1008 urges Congress to enact the Regulatory Integrity Protection Act (Act).

### **PROVISIONS**

1. Urges Congress to enact the Act.
2. Requires the Arizona Secretary of State to transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

### **CURRENT LAW**

Currently not addressed in statute.

### **ADDITIONAL INFORMATION**

On April 13, 2015, U.S. Representative Bill Shuster introduced H.R. 1732, the Act. It requires the U.S. Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA) to withdraw the proposed definition of 'Waters of the United States' under the Clean Water Act (CWA). It also directs the EPA and the Corps to consult with state and local officials, stakeholders, and other interested parties to seek consensus on which waters and wetlands are covered by the CWA.



# HOUSE OF REPRESENTATIVES

SCM1012

border security; urging Congress

Prime Sponsor: Senator Griffin, LD 14

---

**DP** Committee on Federalism and State's Rights

**X** Caucus and COW

House Engrossed

---

## **OVERVIEW**

SCM 1012 urges Congress to direct the appropriate federal agencies to secure the borders of the United States.

## **PROVISIONS**

1. Urges Congress to direct the appropriate federal agencies to do the following:
  - a. Fully secure all of the borders of the United States;
  - b. Fully reimburse sheriffs for the costs associated with the housing of illegal aliens who are being charged with state crimes;
  - c. Return to the original guidelines as set forth in Operation Streamline for the prosecution of persons crossing the United States border illegally.
2. Requires the Arizona Secretary of State to transmit copies of this Memorial to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and each member of Congress from the State of Arizona.

## **CURRENT LAW**

[Arizona Revised Statutes § 11-1051](#) establishes that, in enforcing immigration laws, no official or agency of this State or a county, city, town or other political subdivision of this State may limit or restrict the enforcement of federal immigration laws to less than the full extent permitted by federal law. Additionally, it also specifies that if an alien who is unlawfully present in the United States is convicted of a violation of state or local law, on discharge from imprisonment or on the assessment of any monetary obligation that is imposed, the United States Immigration and Customs Enforcement or the United States Customs Border Protection shall be immediately notified.

## **ADDITIONAL INFORMATION**

Operation Streamline is a joint initiative of the Department of Homeland Security and Department of Justice in the United States, started in 2005, that adopts a "zero-tolerance" approach to unauthorized border-crossing by engaging in criminal prosecution of those engaging in it.



# HOUSE OF REPRESENTATIVES

## SCM 1013

arms trade treaty; urging Congress

Prime Sponsor: Senator Griffin, LD 14

---

**DP** Committee on Federalism and States' Rights

**X** Caucus and COW

House Engrossed

---

### OVERVIEW

SCM 1013 urges Congress to prevent the U.S. from entering into the United Nations (UN) Arms Trade Treaty.

### PROVISIONS

1. Urges Congress to continue to take action to prevent the United States from entering into the UN Arms Trade Treaty or other similar treaties that would interfere with the Second Amendment rights of United States citizens.
2. Requests the Arizona Secretary of State to transmit copies of this Memorial to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and each Member of Congress from the State of Arizona.

### CURRENT LAW

The Second Amendment of the United States Constitution establishes that the people's right to bear arms must not be infringed. Additionally, [Arizona Constitution, Article 2, Section 26](#) provides that the right of an individual to bear arms in defense of himself or the state shall not be impaired.

### ADDITIONAL INFORMATION

The UN adopted Security Council Resolution 2117 which urges "Member States to support weapons collection, disarmament, demobilization and reintegration of ex-combatants, as well as physical security and stockpile management programs by UN peacekeeping operations where so mandated."

Senator James Inhofe introduced an amendment to the budget in 2013 that would prevent the United States from entering into the UN Arms Trade Treaty in order to preserve Second Amendment rights and prevent the United States from entering into the UN Arms Trade Treaty. The amendment passed on a 53-46 vote.





# HOUSE OF REPRESENTATIVES

## SCM 1015

EPA; exceeding authority; urging Congress  
Prime Sponsor: Senator Griffin, LD 14

---

**DP** Committee on Federalism and States' Rights

**X** Caucus and COW

House Engrossed

---

### OVERVIEW

SCM 1015 urges Congress to enact the Stopping EPA Overreach Act (Act).

### PROVISIONS

1. Urges Congress to enact the Act.
2. Requests the Arizona Secretary of State to transmit copies of this Memorial to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and each member of Congress from the State of Arizona.

### CURRENT LAW

Currently not addressed in statute.

### ADDITIONAL INFORMATION

The United States Environmental Protection Agency (EPA) is an agency of the U.S. federal government which was created for the purpose of protecting human health and the environment by enforcing regulations based on laws passed by Congress.

The Act was introduced in the United States House of Representatives and seeks to prevent the EPA from exceeding its authority in ways that were not approved by Congress. It contains language that will reassert that Congress did not intend EPA to regulate greenhouse gasses by passing the Clean Air Act.



# HOUSE OF REPRESENTATIVES

## SB 1040

department of administration; continuation

Prime Sponsor: Senator Kavanagh, LD 23

---

**DP** Committee on Government and Higher Education

**X** Caucus and COW

House Engrossed

---

### **OVERVIEW**

SB 1040 continues the Arizona Department of Administration (ADOA) for eight years.

### **PROVISIONS**

1. Continues ADOA for eight years.
2. Contains a purpose statement and a retroactive clause.

### **CURRENT LAW**

[ADOA](#) provides centralized general support services to state agencies, including accounting, financial, purchasing, building and grounds maintenance, personnel, information technology, motor pool, travel reduction and risk management services ([A.R.S. § 41-701](#) et al).

### **ADDITIONAL INFORMATION**

The Fiscal Year 2017 [baseline](#) includes 532.1 Full Time Equivalent positions and \$10,377,300 from the state General Fund. The Office of the Auditor General conducted a [Sunset Review](#) of ADOA. The Senate Government and House Government and Higher Education Committee of Reference met on December 9, 2015, and [recommended](#) an eight year continuation of ADOA.



# HOUSE OF REPRESENTATIVES

## SB 1144

ASRS; contributions; adjustments

Prime Sponsor: Senator Lesko, LD 21

---

**DP** Committee on Government and Higher Education

**X** Caucus and COW

House Engrossed

---

### **OVERVIEW**

SB 1144 modifies procedures relating to the return of excess contributions to employers and methods of payment for underpaid contributions by members into the Arizona State Retirement System (ASRS).

### **PROVISIONS**

1. Specifies that ASRS is required to return excess contributions through an employer credit or, if within one year after the date of overpayment, by check on request of the employer.
2. Stipulates ASRS must return, through an employer credit, excess contributions paid by an employer through a mistake of law.
3. Requires after-tax income payment for inactive, retired or long-term disability members who have paid less than the correct amount of contributions using a personal check, cashier's check or money order.
4. Removes language relating to the return of earnings or reduction due to losses attributed to excess contributions.
5. Stipulates that a member who previously received a return of contribution may only receive an adjustment of employer contributions or service credits for qualifying employment and compensation occurring after the member's most recent return of contributions.
6. Makes technical and conforming changes.

### **CURRENT LAW**

If excess contributions are paid into ASRS through a mistake of fact, ASRS is required to return those contributions to the employer if the employer requests return within one year after the date of overpayment. ASRS is prohibited from paying employer earning attributable to excess contributions but must reduce the amount returned to an employer by the amount of losses attributable to the excess contributions.

If less than the correct amount of employer or member contributions is paid into ASRS by an employer then the member is required to pay an amount equal to the amount that would have been paid in member contributions for the period in question. The member's payments must be made directly to ASRS in lump sum or installment payments or by electing to have the member's employer make the payments through a salary reduction program ([A.R.S. § 38-738](#)).



# HOUSE OF REPRESENTATIVES

## SB 1152

PSPRS; EORP; CORP; continuation

Prime Sponsor: Senator Lesko, LD 21

---

**DP** Committee on Government and Higher Education

**X** Caucus and COW

House Engrossed

---

### **OVERVIEW**

SB 1152 continues the Public Safety Personnel Retirement System (PSPRS), the Elected Officials' Retirement Plan (EORP) and the Correctional Officers Retirement Plan for eight years.

### **PROVISIONS**

1. Continues PSPRS, EORP and CORP for eight years.
2. Contains a purpose statement and a retroactive clause.

### **CURRENT LAW**

PSPRS provides retirement, survivors, health and disability benefits to public employees who work in a public safety capacity, such as law enforcement officials and firefighters. In addition, PSPRS staff administers CORP and EORP, which provide the same benefits to specified populations at the state and local level. [Laws 2013, Chapter 217](#) made several changes relating to the closure of EORP and created a new defined contribution plan, Elected Officials' Defined Contribution Retirement System.

### **ADDITIONAL INFORMATION**

The Fiscal Year 2017 [baseline](#) includes \$5,000,000 as part of the closure of EORP from the state General Fund, and \$1,000,000 for deposit into the employer account of the Prescott Fire Department group from the state General Fund.

The Office of the Auditor General conducted a [Performance Audit and Sunset Review](#) of PSPRS. The Senate Finance and House Government and Higher Education Committee of Reference met on November 18, 2015, and [recommended](#) an eight year continuation of PSPRS, EORP and CORP.



# HOUSE OF REPRESENTATIVES

## SB 1160

CORP; reverse deferred retirement option  
Prime Sponsor: Senator Smith, LD 11

---

**DP** Committee on Government and Higher Education

**X** Caucus and COW

House Engrossed

---

### **OVERVIEW**

SB 1160 is an emergency measure that removes the repeal date of July 1, 2016, for the reverse Deferred Retirement Option Plan (DROP) program.

### **PROVISIONS**

1. Continues the reverse DROP program beyond the current repeal date of July 1, 2016.
2. Contains an emergency clause.
3. Makes a technical change.

### **CURRENT LAW**

[Laws 2005, Chapter 258](#) established the reverse DROP program to add flexibility to the Corrections Officer Retirement Plan and provide members, who elect to participate, access to a lump sum benefit in addition to their normal monthly retirement benefit on actual retirement. Any member eligible for a normal pension who is not awarded an accidental, ordinary or total and permanent disability pension, and who has at least 24 years of credited service, or in the case of a dispatcher at least 25 years of credited service, is eligible to participate in the reverse DROP program.

A member who elects to participate must voluntarily and irrevocably: 1) designate a reverse DROP date on the first day of the calendar month immediately following a member's completion of 24 years of credited service or a date not more than 60 consecutive months before the date the member elects to participate, whichever is later; 2) agree to terminate employment on the specified date; and 3) receive benefits from the plan on termination of employment at the same time and in the same manner using the factors of credited service and average month salary in effect on the reverse DROP date.

All amounts credited to a member's reverse DROP participation account are fully vested and must be credited as follows: 1) in an amount as though accrued monthly from the reverse DROP date to the date the member elected to participate, computed in the same manner as normal retirement benefit using the factors of credited service and average month salary in effect on the reverse DROP date; and 2) in an amount as though accrued monthly that represents interest at a rate equal to the yield on a five-year treasury note as of the first day of the month ([A.R.S. 38-885.01](#)).

### **ADDITIONAL INFORMATION**

The reverse DROP program was originally set to repeal on June 30, 2010, and was extended to July 1, 2016 by [Laws 2010, Chapter 163](#).



# HOUSE OF REPRESENTATIVES

## SB 1309

corporation commission; electronic filings

Prime Sponsor: Senator Griffin, LD 14

---

**DP** Committee on Government and Higher Education

**X** Caucus and COW

House Engrossed

---

### **OVERVIEW**

SB 1309 allows the Arizona Corporation Commission (Commission) to accept electronic documents from a public service corporation.

### **PROVISIONS**

1. Permits the Commission to accept the electronic filing of any document that a public service corporation is required to file pursuant to statute, rule or order.

### **CURRENT LAW**

The Commission may supervise and regulate every public service corporation in the state and do all things necessary and convenient in the exercise of that power and jurisdiction ([A.R.S. § 40-202](#)). Public service corporation includes all non-municipal electric, gas, sewer, telephone and water corporations ([Arizona Constitution Article 15, § 2](#)).

Every public service corporation is required to furnish the following to the Commission: 1) tabulations; 2) computations; 3) annual reports; 4) monthly or periodical reports of earnings and expenses; and 5) all other required information. As required, a public service corporation must also deliver copies of any maps, profiles, contracts, franchises, books, papers, records and a complete inventory of all its property ([A.R.S. § 40-204](#)).



# HOUSE OF REPRESENTATIVES

## SB 1037

ASRS; board delegation; benefit determinations

Prime Sponsor: Senator Lesko, LD 21

---

**DP** Committee on Government and Higher Education

**X** Caucus and COW

House Engrossed

---

### OVERVIEW

SB 1037 permits the Arizona State Retirement System (ASRS) Board to delegate a Committee of the Board to act on its behalf as specified.

### PROVISIONS

1. Allows the ASRS Board to delegate its duty and authority to a Committee of the Board to act on its behalf for the purposes of determining the rights, benefits or obligations of any person dissatisfied with an ASRS Board determination or a decision of the Office of Administrative Hearings relating to an ASRS determination.

### CURRENT LAW

The ASRS Board may determine the rights, benefits or obligations of any person and afford any dissatisfied person with a hearing on the determination ([A.R.S. § 38-714](#)).

### ADDITIONAL INFORMATION

Any party in an [appealable agency action](#) aggrieved by a final decision may file with the ASRS Board a written motion for hearing or review of the final decision specifying the particular grounds within 30 days after the service of the decision. The ASRS Board may grant a rehearing or review of a decision for any of the following causes materially affecting the moving party's rights: 1) irregularity in the administrative proceedings of the agency or the hearing officer, or any order or abuse of discretion that deprives the moving party of a fair hearing; 2) misconduct of the ASRS Board, hearing officer or prevailing party; 3) accident or surprise that could not have been prevented by ordinary prudence; 4) newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the original hearing; 5) excessive or insufficient penalties; 6) error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing; or 7) that the decision is not justified by the evidence or is contrary to law ([Arizona Administrative Code R2-8-405](#)).



# HOUSE OF REPRESENTATIVES

## SB 1038

ASRS; reinstatement; contribution amount  
Prime Sponsor: Senator Lesko, LD 21

---

**DP** Committee on Government and Higher Education

**X** Caucus and COW

House Engrossed

---

### **OVERVIEW**

SB 1038 clarifies the forfeited service purchase contribution amount for a reinstated member of the Arizona State Retirement System (ASRS).

### **PROVISIONS**

1. Specifies that an ASRS member may redeposit the amount of contributions ASRS paid, rather than the amount of contributions the member received, at the time of the member's separation from service.

### **CURRENT LAW**

An active ASRS [member](#) who received a return of contributions on termination of employment and is subsequently reemployed by an ASRS employer receives credit only from the date of the member's most recent reemployment period commenced. An ASRS member may redeposit the amount of the contributions received at the time of the member's separation from service, with interest on that amount to the date of redeposit at the interest rate assumption approved by the ASRS Board for actuarial equivalency ([A.R.S. § 38-742](#)).





# HOUSE OF REPRESENTATIVES

## SB 1151

ASRS; continuation

Prime Sponsor: Senator Lesko, LD 21

---

**DP** Committee on Government and Higher Education

**X** Caucus and COW

House Engrossed

---

### OVERVIEW

SB 1151 continues the Arizona State Retirement System (ASRS) for eight years.

### PROVISIONS

1. Continues ASRS for eight years.
2. Contains a purpose statement and a retroactive clause.

### CURRENT LAW

The primary intent of ASRS is to: 1) provide an incentive in the recruitment and retention of employees of the highest possible quality; 2) contribute toward providing a total compensation package generally equivalent to comparable employment in other public and private organizations in this state; 3) provide a retirement system that encourages employees to remain in service for periods of time that will provide public employers with the full benefit of the training and experience gained by the employees; 4) provide an orderly method of promoting and maintaining a high level of service to the public through an equitable separation procedure available to employees at retirement or on becoming a person with a disability; and 5) provide a base retirement benefit less than 100% of a member's post-retirement income requirements, recognizing that personal savings and social security also contribute toward total post-retirement income requirements ([A.R.S. § 38-712](#)).

The ASRS Board consists of nine members appointed by the Governor: 1) five ASRS members who must have at least five years of administrative management experience to represent the members of ASRS; and 2) four non-ASRS members to represent the public ([A.R.S. § 38-713](#)).

### ADDITIONAL INFORMATION

The Fiscal Year 2017 [baseline](#) includes 250.9 Full Time Equivalent positions and \$25,495,000 from the State Retirement System Administration Account and the Long-Term Disability Trust Fund. The Office of the Auditor General conducted a [Performance Audit and Sunset Review](#). The Senate Finance and House Government and Higher Education Committee of Reference met on November 18, 2015, and [recommended](#) an eight year continuation of ASRS.



# HOUSE OF REPRESENTATIVES

## SB 1105

acupuncture board; licensure; qualifications

Prime Sponsor: Senator Barto, LD 15

---

**DP** Committee on Health

**X** Caucus and COW

House Engrossed

---

### OVERVIEW

SB 1105 removes the term *relicensure* from a statute related to acupuncture.

### PROVISIONS

1. Removes the term *relicensure* from a statute related to acupuncture.
2. Applies retroactively after June 30, 2016.

### CURRENT LAW

In order to receive a license the applicant must disclose in an application for initial licensure all other active and past professional licenses and certificates issued to the applicant. The applicant must document to the Board's satisfaction that the applicant has successfully completed a clean needle technique course and meets the following: has either: a) been certified in acupuncture by the National Certification Commission for Acupuncture and Oriental Medicine or another certifying body; b) passed the point location module, foundations of oriental medicine module, biomedicine module and acupuncture module offered by the National Certification Commission for Acupuncture and Oriental Medicine; and c) been licensed by another state with substantially similar standards and has not had a license suspended or revoked. In addition the applicant graduated from or completed training in a board-approved program of acupuncture with a minimum of 1850 hours of training that includes at 800 hours of clinical training. Beginning July 1, 2016, the applicant has submitted a full set of fingerprints to the Board for the purpose of obtaining a state and federal criminal records check [A.R.S. 32-3924](#).



# HOUSE OF REPRESENTATIVES

## SB 1169

mental health power of attorney

Prime Sponsor: Senator Barto, LD 15

---

**DPA** Committee on Health

**X** Caucus and COW

House Engrossed

---

### OVERVIEW

SB 1169 makes changes to the provisions related to a mental health care power of attorney.

### PROVISIONS

1. Removes the terminology (a level one behavioral health facility) and replaces it with inpatient psychiatric facility.
2. Removes the requirement that a guardian present a facility with a sworn statement under penalty of perjury that the guardian has presented to the facility a certified copy or a true and correct copy of a certified copy, letters of guardianship with mental health authority that authorize the guardian to admit the ward to a level one behavioral health facility and that the letters of guardianship are currently effective and have not been revoked, terminated or rescinded.
3. Includes a physician who is a specialist in neurology as a physician who may determine if a person lacks the ability to give informed consent.
4. States that if a patient admitted to or being treated in an inpatient psychiatric facility under the authority of an agent pursuant to a mental health care power of attorney manifests the desire to disqualify an agent or to revoke a mental health care power of attorney and requests in writing to be discharged from the facility, the facility must either discharge the patient or initiate proceedings for court ordered evaluation or treatment:
  - a. Within 48 hours after the facility receives this request, excluding weekends and legal holidays; and
  - b. On the following court day if the 48 hour period expires on a weekend or holiday.
5. Stipulates that the discharge criteria outlined above does not apply if the facility is prohibited from discharging the person under federal law or the principal has been determined to be incapable, the treating physician believes that further inpatient treatment is necessary or advisable and the agent under the power of attorney has consented to the continued treatment.
6. Allows a principal under a mental health care power of attorney to disqualify an agent or revoke all or any portion of the power of attorney except during times when principal has been found to be incapable.
7. Adds language to the sample mental health care power of attorney that states:
  - a. This mental health care power of attorney or any portion of it may not be revoked and any designated agent may not be disqualified by me during times that I am found to be unable to give informed consent. However, at all other times I retain the right to revoke all or any portion of this mental health care power of attorney or to disqualify any agent designated by me in this document.
8. Defines *inpatient psychiatric facility*.
9. Makes technical and conforming changes.

### Amendments

#### **Committee on Health**

1. Clarifies that a health care directive may not be revoked when the principal has been found to be incapable.

### CURRENT LAW

Contained within Title 36, Chapter 32 is the laws related to living wills and health care directives. Article 6 contains the provisions related to a mental health care power of attorney. A principal may designate an agent to make mental health care decisions on that person's behalf. An agent may make decisions about mental health treatment for the principal if the principal is found incapable. If an adult does not have a mental health care power of attorney, an agent with a health care power of attorney may make decisions about mental health treatment on behalf of the principal. These decisions must be consistent with any wishes expressed by the principal

[A.R.S. 36-3281.](#)



# HOUSE OF REPRESENTATIVES

## SB 1300

respiratory care examiners

Prime Sponsor: Senator Barto, LD 15

---

**DPA** Committee on Health

**X** Caucus and COW

House Engrossed

---

### OVERVIEW

SB 1300 makes revisions to the Arizona State Board of Respiratory Care Examiners (Board) statutes.

### PROVISIONS

1. Removes the requirement for the Board to license applicants as respiratory therapy technicians and instead licenses applicants as respiratory therapists.
2. States that all board meetings are open to the public and does not allow the Board to hold closed sessions to approve examinations or, on the request of an applicant who fails an examination, prepare a response indicating a reason for an applicant's failure.
3. Establishes a confidential program for the monitoring of licensees who are chemically dependent and who enroll in rehabilitation programs that meet the criteria established by the Board. The Board may take further action if the licensee refuses to enter into a stipulated agreement or fails to comply with its terms. In order to protect the public health and safety, the confidentiality requirements do not apply if the licensee does not comply with the stipulated agreement.
4. Terminates the program above on July 1, 2026.
5. Requires the executive director of the Board to enter into stipulated agreements with licensees for the confidential treatment, rehabilitation and monitoring of chemical dependency.
6. Mandates that a licensee who materially fails to comply with program requirements must be reported to the Board and terminated from the confidential program. Any records of a licensee who is terminated from a confidential program are no longer confidential or exempt from the public records law.
7. States that stipulated agreements are not public records if the following conditions are met:
  - a. The licensee voluntarily agrees to participate in the confidential program;
  - b. The licensee complies with all treatment requirements or recommendations, including participation in alcoholics anonymous or an equivalent twelve-step program and support group;
  - c. The licensee refrains from the practice of respiratory care until the return to the practice of respiratory care has been approved by the treatment program and the executive director or the executive director's designee;
  - d. The licensee complies with all monitoring requirements of the stipulated agreement, including random bodily fluid testing; and
  - e. The licensee's respiratory care employer is notified of the licensee's chemical dependency and participation in the confidential program and is provided a copy of the stipulated agreement.
8. Permits the Board to renew an expired license within 90 days after the expiration of the license if the applicant has complied with all late renewal application requirements and paid the application and renewal fees.
9. Requires the Board to charge two-hundred dollars for the license renewal or late license renewal fee.
10. Removes the ability of the Board to charge an examination fee of one-hundred fifty dollars.
11. Requires the licensed respiratory care practitioner to submit to the Board, within 20 days after notification, an answer in regards to allegations contained in an initial complaint notification.
12. Permits the Board, on determination of reasonable cause or if delegated by the executive director of the Board, to require a licensee or applicant to undergo, at the expense of the licensee or applicant, any combination of mental, physical or psychological examinations, assessments or skills evaluations necessary to determine the person's competence or ability to practice safely. The examinations may include bodily fluid testing and other examinations known to detect the presence of alcohol or drugs.

13. States that if the executive director orders the licensee or applicant to take an examination, assessment or evaluation and the licensee or applicant fails to affirm to the Board in writing within 15 days after receipt of the notice of the order that the licensee or applicant intends to comply, the executive director must refer the matter to the Board and allow the Board to determine whether to issue an order.
14. Requires the executive director to report to the Board, at each regular meeting, data concerning orders issued by the executive director since the last regular meeting of the Board and any other data requested by the Board.
15. Allows the Board to issue a civil penalty of up to five-hundred dollars per violation if after an investigation of a licensee by the Board, the Board finds that the information is not of sufficient seriousness to merit suspension or revocation of the license.
16. Adds that if a notice of a hearing is served by certified mail, service is complete on the date the notice is placed in the mail.
17. Requires a licensee to respond in writing to the Board within 30 days after notice of a hearing is served.
18. Allows the Board to consider a licensee's failure to respond within 30 days as an admission by default to the allegations stated in the complaint. The Board may then take any disciplinary action allowed without conducting a hearing.
19. Amends the definitions of *respiratory therapy training program* and *unprofessional conduct*.
20. Makes technical and conforming changes.

#### **AMENDMENTS**

##### **COMMITTEE ON HEALTH**

1. Requires the Board to approve organizations from which continuing education classes may be accepted.
2. Stipulates that, for purposes related to this act, the Board is exempt from rulemaking requirements for one year after the effective date of this act.

#### **CURRENT LAW**

Contained in Title 32, Chapter 35 are laws relating to the Arizona State Board of Respiratory Care Examiners. Included therein are licensing requirements for applicants and regulations for disciplinary actions.



# HOUSE OF REPRESENTATIVES

## SB 1326

behavioral health; dependent children; reporting  
Prime Sponsor: Senator Barto, LD 15

---

**DP** Committee on Health

**X** Caucus and COW

House Engrossed

---

### **OVERVIEW**

SB 1326 updates statute to reflect the transfer of behavioral health services from Arizona Department of Health Services (ADHS) to the Arizona Health Care Cost Containment System Administration (AHCCCS) in 2015.

### **PROVISIONS**

1. Revises statute to reflect the transfer of behavioral health services from ADHS to AHCCCS.
2. Continues the requirement for AHCCCS to prepare a Quarterly Financial Program Accountability Trends Report until December 31, 2018.
3. Makes technical changes.

### **CURRENT LAW**

Laws 2013, chapter 220, section 7 states that beginning on the last day of the month following the effective date of this act through December 31, 2015, ADHS and the Department of Economic Security must prepare and issue a quarterly financial and program accountability trends report to the Governor, the Chairpersons of the House of Representatives Health and Reform and Human Services Committee, the Chairperson of the Senate Health and Human Services Committee, the Director of the Joint Legislative Budget Committee and the Director of the Governor's Office of Strategic Planning and Budgeting.

### **ADDITIONAL INFORMATION**

Laws 2015, Chapter 195 transferred behavioral health services from ADHS to AHCCCS.



# HOUSE OF REPRESENTATIVES

## SB 1460

pharmacy board; manufacturers; dietary supplements  
Prime Sponsor: Senator Worsley, LD 25

---

**DP** Committee on Health

**X** Caucus and COW

House Engrossed

---

### **OVERVIEW**

SB 1460 permits the Arizona State Board of Pharmacy (Board) to issue a certificate of free sale to any person licensed by the Board as a manufacturer that wants to sell food supplements or dietary supplements domestically or internationally.

### **PROVISIONS**

1. Allows the Board to issue a certificate of free sale to any person that is licensed by the Board as a manufacturer for the purposes of manufacturing or distributing food supplements or dietary supplements that wants to sell food supplements or dietary supplements domestically or internationally. The application must contain all of the following:
  - a. The applicant's name, address, e-mail address, telephone and fax number;
  - b. The product's full, common or usual name;
  - c. A copy of the label for each product listed. If the product is to be exported in bulk and a label is not available, the applicant must include a certificate of composition;
  - d. The country of export, if applicable; and
  - e. The number of certificates of free sale requested.
2. Mandates the Board establish an inspection process for the issuance of certificates of free sale or good manufacturing practice certifications. The Board must establish in rule:
  - a. A fee for the issuance of certificates of free sale;
  - b. A fee for the issuance of good manufacturing practice certifications; and
  - c. An annual inspection fee.
3. Exempts, for purposes related to this act, the Board from the rule making requirements for one year after the effective date of this act.
4. Defines *certificate of composition*, *certificate of free sale* and *good manufacturing practice*.
5. Makes technical and conforming changes.

### **CURRENT LAW**

A.R.S. § 32-1904 outlines requirements the Board must establish along with items the Board may enact. Requirements, in part, include making bylaws and rules, fix standards and requirements for the registration of pharmacies, examine and license pharmacists and pharmacy interns. The Board, in part, is allowed to employ chemists, compliance officers, clerical help and other employees, approve or reject the manner of storage and security of drugs, adopt rules for professional conduct and approve colleges or schools of pharmacy.

### **ADDITIONAL INFORMATION**

A certificate of free sale as defined by the U.S. Food and Drug Administration (FDA) is a certificate that indicates that the particular product is marketed in the United States or eligible for export, and that the particular manufacturer has no unresolved enforcement actions pending before or taken by the FDA. These certificates may be issued by FDA-CFSAN or by a state governmental authority [FDA](#).



# HOUSE OF REPRESENTATIVES

## SB 1363

insurance coverage; telemedicine

Prime Sponsor: Senator Griffin, LD 14

---

**DP** Committee on Insurance

**X** Caucus and COW

House Engrossed

---

### **OVERVIEW**

SB 1363 expands *health care services* that insurers are required to cover that are provided through telemedicine to services received in the state rather than services received only in a rural region of the state.

### **PROVISIONS**

1. Requires beginning January 1, 2018, a health service corporation, a health care services organization, a disability insurer, or a group or blanket disability insurer to provide the required insurance coverage for health care services that are administered through telemedicine to services received in this state.
2. Adds pulmonology as a covered health care service.
3. Removes the definition of *rural region* relating to health care services administered through telemedicine.
4. Contains a delayed effective date of January 1, 2018.
5. Makes conforming changes.

### **CURRENT LAW**

Title 20, A.R.S., defines *health care services* as services provided for the following conditions or in the following settings: 1) trauma, 2) burn, 3) cardiology, 4) infectious diseases, 5) mental health disorders, 6) neurologic diseases including strokes, and 7) dermatology.

Additionally, defines *telemedicine* as the interactive use of audio, video or other electronic media for the purpose of diagnosis, consultation or treatment; however, does not include the sole use of an audio-only telephone, a video-only system, a facsimile machine, instant messages or electronic mail.

### **ADDITIONAL INFORMATION**

*Pulmonology* is a branch of medicine concerned with the anatomy, physiology, and pathology of the lungs.





# HOUSE OF REPRESENTATIVES

## SB 1126

prisoner transition program; eligibility; termination

Prime Sponsor: Senator Smith, LD 11

---

**DP** Committee on Military Affairs and Public Safety

**X** Caucus and COW

House Engrossed

---

### OVERVIEW

SB 1126 expands eligibility for the Prisoner Transition Program (Program) that is administered by the Arizona State Department of Corrections (ADC) and continues the Program until July 1, 2020.

### PROVISIONS

1. Expands the Program by providing eligible inmates with transition services in the community for up to 90 days.
2. Requires the Director of ADC to establish rules to remove DUI convictions from the list of precluding offenses regarding eligibility for the Program.
3. Outlines eligibility requirements, that must be in rule, which state that an inmate:
  - a. Be classified by ADC as a low violence risk to the community;
  - b. Comply with all programming on their respective individualized corrections plan;
  - c. Be classified by ADC as a medium or minimum custody inmate; and
  - d. Not be found in violation of any major rule or violent rule within the previous six months.
4. Specifies that an accumulation of minor rule violations does not equal a major rule violation.
5. Removes the requirement that an inmate must be current on statutorily prescribed restitution payments in order to be eligible for the Program.
6. Includes psychoeducational counseling and case management services to the list of services that are to be provided to inmates in the Program.
7. Permits counseling and services to include substance abuse treatment, anger management, cognitive behavioral therapy, parenting skills, family reunification training and further education and job placement.
8. Requires ADC to include the recidivism rate of inmates who have been released from confinement for a minimum of three years after release as part of their annual study to determine recidivism rates on inmates who have received services as part of the Program.
9. Allows the annual report to be submitted electronically and removes the requirement for the report to be submitted to the Director of Library and Archives.
10. Requires ADC to provide Program information to inmates, on admission to prison, and who are not serving a life sentence and to inmates who are potentially eligible for the Program six months before the inmate's eligibility date.
11. Requires the information provided to inmates to include all admission requirements, as well as all disqualifying factors.
12. Defines *recidivism*.
13. Extends the Program until July 1, 2020.
14. Makes technical and conforming changes.

### CURRENT LAW

[A.R.S. § 31-281](#) establishes the Program, which is administered by ADC. Statute outlines eligibility requirements that each inmate must meet in order to participate in the Program. These eligibility requirements include, but are not limited to: inmate must have no convictions relating to sexual offenses, DUI and domestic violence. ADC is required to contract with private or nonprofit entities in order to provide services for the Program. ADC is also required to provide notice and a chance to be heard to victims, prior to

enrolling an inmate in the Program. Finally, ADC must submit an annual report detailing recidivism rates of inmates who receive a contracted entity's services.



# HOUSE OF REPRESENTATIVES

## SB 1213

adjutant general; national guard rules  
Prime Sponsor: Senator Smith, LD 11

---

**DP** Committee on Military Affairs and Public Safety

**X** Caucus and COW

House Engrossed

---

### **OVERVIEW**

SB 1213 requires the Adjutant General to adopt rules relating to the National Guard, which must be approved by the Governor.

### **PROVISIONS**

1. Requires the Adjutant General to adopt, with the approval of the Governor, rules necessary for the organization, governance, armament, equipping, instruction and compensation of the National Guard and authorized employees.
2. Stipulates that these rules are in force and effect upon approval of the Governor.
3. Makes technical and clarifying changes.

### **CURRENT LAW**

The Governor is required to administer and control the National Guard, with the Adjutant General being responsible to the Governor for: execution of all orders relating to the militia; organization, activation, reactivation, inactivation and allocation of units; recruiting of personnel; public relations and discipline and training of the National Guard. Statute requires the Adjutant General to act as military chief of staff to the Governor and stipulates that the Adjutant General is responsible for emergency management ([A.R.S. § 26-102](#)).



# HOUSE OF REPRESENTATIVES

## SB 1226

department of homeland security; continuation

Prime Sponsor: Senator Smith, LD 11

---

**DP** Committee on Military Affairs and Public Safety

**X** Caucus and COW

House Engrossed

---

### **OVERVIEW**

SB 1226 continues the Arizona Department of Homeland Security (AZDOHS) for eight years.

### **PROVISIONS**

1. Continues AZDOHS until July 1, 2024.
2. Contains a legislative intent clause.
3. Contains a retroactivity clause.
4. Makes a conforming change.

### **CURRENT LAW**

[A.R.S. § 41-3016.22](#) terminates AZDOHS on July 1, 2016.

### **ADDITIONAL INFORMATION**

AZDOHS was established in 2006 to enhance the ability of the state to prevent and respond to acts of terrorism and other disasters by developing and implementing effective and efficient management and administration of grants provided to the state through the U.S. Department of Homeland Security and other federal agencies.

The Committee of Reference met on October 27, 2015 and recommended that AZDOHS be continued for eight years.



# HOUSE OF REPRESENTATIVES

## SB 1247

prisoners; community reentry; work program  
Prime Sponsor: Senator Smith, LD 11

---

**DP** Committee on Military Affairs and Public Safety

**X** Caucus and COW

House Engrossed

---

### OVERVIEW

SB 1247 allows the Arizona Department of Corrections (ADC) to establish a community reentry work program (program) for prisoners who meet certain eligibility requirements.

### PROVISIONS

1. Permits the Director of ADC (Director) to authorize eligible inmate to participate in the program within 90 days of the inmate's earliest release date.
2. Requires the Director to adopt rules to implement the program, including requirements that the inmate:
  - a. Not have been convicted, at any time, of kidnapping or related offenses, a sexual offense, arson, a violent crime or a dangerous crime against children as defined in statute;
  - b. Not currently be serving a sentence for a domestic violence offense;
  - c. Be classified by ADC as low risk to the community;
  - d. Not have any felony detainers or U.S. Immigration and Customs Enforcement detainers;
  - e. Not have previously escaped or attempted to escape from a jail or prison facility or environment;
  - f. Have made satisfactory progress on the inmate's individualized corrections plan;
  - g. Have maintained civil behavior while incarcerated;
  - h. Be current on any restitution payments ordered by a court; and
  - i. Have a need and ability to benefit from a community reentry work program.
3. Requires ADC to notify and afford an opportunity to be heard to the victim of the offense for which the inmate is incarcerated, if the victim has provided a current address or other contact information.
4. Stipulates that the notice to the victim must:
  - a. Include the name of the inmate, the offense for which the inmate was sentenced, the length of the sentence and the date of admission to the custody of ADC; and
  - b. Inform the victim of the victim's right to submit a written statement to the Director expressing the victim's opinion on the inmate's participation in the program within 20 days after ADC has mailed notice to the victim.
5. Requires an inmate who participates in the program to:
  - a. Comply with all program rules and other terms and conditions required by the Director;
  - b. Maintain gainful employment;
  - c. Continue to make any court ordered restitution payments; and
  - d. Agree to provide all compensation that the inmate received while participating in the program to ADC for deposit in the inmate's account.
6. Allows the Director to remove an inmate from the program if the Director determines that the inmate has failed to comply with any program rule, term or condition or that the best interests of the state would be served by removing the inmate from the program.
7. Stipulates that current statute relating to compensation for labor performed by prisoners (A.R.S. §§ [31-254](#) and [41-1624.01](#)) does not apply to the compensation made by the inmate while in the program.
8. Permits ADC to charge and collect a percentage of the inmate's compensation for the cost of the inmate's room and board.
9. Allows the Director to deduct monies from the inmate's account to pay restitution, costs and fines that are owed by the inmate.

10. Stipulates that an inmate who is absent without leave from a facility in the program is guilty of a class 5 Felony (presumptive 1 ½ years of incarceration) and the sentence for this violation must be served consecutively.

11. Terminates the program on July 1, 2026.

#### **CURRENT LAW**

The ADC transition program permits eligible inmates to be released up to three months early and receive employment assistance, medical assistance, mentoring services and other transition assistance (A.R.S. §§ [31-282](#) and [31-285](#)). Inmates who participate in the transition program: must not have been convicted of a sexual offense, arson, driving under the influence or a violent crime, have a nonviolent risk score, be classified as low risk to the community and meet other requirements ([A.R.S. § 31-281](#)).



# HOUSE OF REPRESENTATIVES

SB 1492

taxis, limousines, livery vehicles

Prime Sponsor: Senator Worsley, LD 25

---

**DP** Committee on Transportation and Infrastructure

**X** Caucus and COW

House Engrossed

---

## **OVERVIEW**

SB 1492 modifies regulations regarding taxi, limousine and livery vehicle services.

## **PROVISIONS**

### ***For-Hire Transportation***

1. Mandates a taxi or livery vehicle to display a readily visible interior sign, in print or electronic format, or on a digital network or software application that contains the following:
  - a. the permittee's business name and address,
  - b. an accurate representation of all fares and the fare computation method, and
  - c. the driver's name.
2. Requires a taxi to display a readily visible exterior trade dress that must contain the word *taxi* or *cab*.
3. Prohibits a city, town or other taxing jurisdiction from levying a transaction privilege tax, (including a sales, use, franchise or other similar tax) or fee on gross proceeds of sales or gross income from the following:
  - a. transporting for hire persons, freight or property by TNCs subject to a fee;
  - b. transporting for hire persons, freight or property by TNC drivers on transactions involving transportation network services (TNS);
  - c. transporting for hire persons, freight or property by vehicle for hire companies that are issued permits; or
  - d. drivers of taxis, livery vehicles or limousines on transactions involving vehicle for hire services.

### ***ADOT Regulations***

4. Allows ADOT to inspect and test a taxi meter by random systematic method determined by the director or in response to a public complaint.
5. Requires a company to obtain a permit from ADOT in order to operate in Arizona, rather than a license.
  - a. States the permit is valid for three years.
  - b. Mandates an application fee of \$24 per vehicle used as a taxi by the company at the time of application, which cannot exceed \$1,000 per applicant.
  - c. Requires the company to maintain an agent for service of process in this state.
6. Removes specified department procedures on the confiscation and seizing of a commercial device or other measuring device, and the liability waiver for damages resulting from a seizure.
7. Revises department regulations on devices for the prevention of unauthorized use.
8. Removes the requirement for the department to submit a report to the Governor.
9. Removes the mandate for a transportation network company (TNC) which does not require a driver to accept rides booked and paid for exclusively through the company's digital network or application to maintain the prescribed insurance coverages.

### ***Violation Conditions and Classification***

10. Eliminates the following civil penalties and the director's ability to double such penalties:
  - a. a commercial device found to be in violation that favor the retailer at more than twice the allowable tolerance;
  - b. a package found to have exceeded the maximum allowable variation for the labeled quantity or the average error of the lot is twice the sample error limit in favor of the retailer;
  - c. a maximum civil penalty has been imposed on a retailer for a price within 90 days, the failure rate is 10% or more and at least one error is in favor of the retailer.

11. Removes the civil penalty cap of \$10,000 for a 30 day period or for each public weighmaster, or a cap of \$50,000 for a 30 day period.
12. Modifies specific violations that result in a class 1 misdemeanor in regards to selling more or less than the quality of service and a false calculation of a taxi meter.
13. Removes the following weight and measure or commercial device violations which result in a class 2 misdemeanor:
  - a. utilization of a weight or measure or commercial device not bearing a seal or mark of approval from the department;
  - b. disposing of any rejected or condemned weight or measure contrary to law;
  - c. removal of a tag, seal or mark placed by an appropriate authority contrary to law; or
  - d. keeping a device for selling, advertising or offering or exposing for sale, service or condition contrary to law.

#### *Miscellaneous*

14. Defines *vehicle for hire* and *vehicle for hire company*.
15. Removes the definition of *commercial device*.
16. Modifies the definition of *motorized quadricycle*, *taxi*, *taxi meter*, and *trade dress*.
17. Contains an effective date from and after June 30, 2016.
18. Makes technical and conforming changes.

#### **CURRENT LAW**

Under [A.R.S. § 28-9503](#) a commercial device license is required annually by the department and must be obtained no later than 30 days following the first day of commercial use for original installations. The fee for the license is determined by the director. Under subsection D a license for a taxi, livery vehicle or limousine can be attained after meeting the requirements of procuring the department required motor vehicle licensing and motor vehicle insurance.

A *transportation network company*, under [A.R.S. § 28-9551](#), is defined as an entity that has been issued a permit and uses a digital network or software application to connect passengers to transportation network services provided by drivers and that may, but is not deemed to own, operate or control, a personal motor vehicle of a transportation network company driver. To operate a transportation network company a permit issued by the Department of Weights and Measures is required.

Currently, [A.R.S. § 28-4038\(C\)](#) a transportation network company that does not require a company driver to accept rides booked and paid for exclusively through the company's digital network or software application during the time the driver is logged in to the transportation network is required to maintain insurance coverages. The insurance is either maintained by the network company or the driver and shall include:

1. A primary commercial liability coverage of \$25,000 in the case of bodily injury or death of any one person in any one accident, \$50,000 in the case of bodily injury or death of two or more persons in any one accident, and \$20,000 in the case of injury or destruction of property in any one accident.
2. After a driver has accepted a ride request and during the time in which the passenger is being transported:
  - a. Primary commercial motor vehicle liability insurance in a minimum amount of \$250,000 per incident.
  - b. Commercial uninsured motorist coverage in a minimum amount of \$250,000 per incident.

As defined in [A.R.S. § 28-9501](#) *commercial device* means any measuring device that is used to determine the direct cost of things or used to establish a fee for service if the cost is based on measure.





# HOUSE OF REPRESENTATIVES

## SB 1117

school districts; adjacent ways; verification  
Prime Sponsor: Senator Dial, LD 18

---

**DP** Committee on Ways and Means

**X** Caucus and COW

House Engrossed

---

### OVERVIEW

SB 1117 requires the School Facilities Board (SFB) to validate any proposed adjacent ways projects with a cost exceeding \$50,000.

### PROVISIONS

1. Restricts a school district from making an adjacent ways expenditure with a cost exceeding \$50,000, unless the SFB validates both of the following:
  - a. The proposed project is in compliance with state law.
  - b. The proposal selected by the school district does not contain additional work that is not listed in the district's adjacent ways proposal.
2. Requires each adjacent ways project proposal, funded through a special assessment, to be filed with the SFB and to include the project cost estimate.
3. Stipulates that a school district annual financial report must include information on the school district budgeted and actual expenditures from the Adjacent Ways Fund.
4. Makes technical and conforming changes.

### CURRENT LAW

A.R.S. § 15-995 authorizes school districts to contract for construction, maintenance or improvements to any public way adjacent to any school property using funding derived from a special assessment on the taxable property in the school district. The district may use the monies for construction of sidewalks, sewers, utility lines, roadways and other related improvements. However, the project must be necessary to ensure the safe entry to and exit from school property for buses and fire equipment. The special assessment for an adjacent ways project must be included in the itemized statement required to be filed with the county school superintendent that shows the amount of monies needed for district expenses in the ensuing year.

School districts are required to follow Truth in Taxation (TNT) notice and hearing requirements in order to levy a special assessment for an adjacent ways project. TNT laws require a school district to provide public notice of any proposed primary property tax levy increase in a specified manner. The district is then required to hold a public hearing in regards to the proposed tax increase, prior to the adoption of the district's budget for the following year (A.R.S. § 15-905.01).



# HOUSE OF REPRESENTATIVES

## SB 1288

internal revenue code conformity

Prime Sponsor: Senator Lesko, LD 21

---

**DP** Committee on Ways and Means

**X** Caucus and COW

House Engrossed

---

### **OVERVIEW**

SB 1288 conforms Arizona tax statutes to the Internal Revenue Code (IRC) as of January 1, 2016.

### **PROVISIONS**

1. Updates the definition of *Internal Revenue Code* to include all IRC provisions that were in effect as of January 1, 2016.
2. Conforms partnership auditing statutes to reflect changes by the Internal Revenue Service.
3. Makes technical and conforming changes.

### **ADDITIONAL INFORMATION**

Each year, the Arizona State Legislature considers amending Arizona Revised Statutes § 43-105 to conform to changes made to the IRC in the prior year by updating the statutory definition of *Internal Revenue Code*. These changes are made to parallel the computation of Arizona income tax and other statutory references to the amended IRC provisions. This conformity is necessary because Arizona, like many states, requires taxpayers to use federally adjusted gross income as the starting point for state income tax assessment.



# HOUSE OF REPRESENTATIVES

## SB 1289

2016 tax correction act

Prime Sponsor: Senator Lesko, LD 21

---

**DP** Committee on Ways and Means

**X** Caucus and COW

House Engrossed

---

### **OVERVIEW**

SB 1289 corrects errors and removes obsolete language, as suggested by the Arizona Department of Revenue (DOR) and Legislative Council.

### **PROVISIONS**

1. Makes technical and conforming changes relating to the taxation of tobacco products and the regulation of tobacco stamps (*Sections 1, 3, 4, 5, 6, 7, 8 and 9*).
2. Authorizes designees of the Director of DOR to serve as the Chairman of the Economic Estimates Commission and the Property Tax Oversight Commission (*Sections 2 and 17*).
3. Outlines the liability of a vendor that accepts a transaction privilege tax (TPT) exemption certificate in good faith (*Section 10*).
4. Conforms statutes to comply with TPT changes made in Laws 2015, Chapter 4-E (*Sections 13 and 14*).
5. Conforms statute to comply with changes made in Laws 2014, Chapter 139, relating to filing use tax returns (*Section 15*).
6. Clarifies that TPT, use tax or any other similar tax imposed by a city is governed under the Model City Tax Code (*Section 16*).
7. Removes obsolete, outdated language (*Sections 11, 18 and 19*).
8. Makes technical and conforming changes (*Sections 12, 20, 21 and 22*).

### **ADDITIONAL INFORMATION**

DOR and Legislative Council annually review statutes related to taxation and make recommendations to correct errors, remove obsolete language, and address clarity and conformity. SB 1289 makes statutory corrections based on the recommendations of DOR and Legislative Council.